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THURSDAY, SEPTEMBER 7, 1780

A letter, of 3, from Governor Jefferson[1]; and

A letter, of 23 August, from Governor Nash of North Carolina to the delegates of that State, were read[2]; Whereupon,

Congress took into consideration the report of the committee on the letter, of 20 August, from General Gates; and after debate,

The Committee to whom was referred General Gates letter of the 20th of August last report:

That it be earnestly recommended to the States of Maryland, Virginia and North Carolina, to lay up with all possible despatch, in such places as the Commanding officer of the Southern Army shall request of them respectively, magazines of provisions and forage for an Army of fifteen thousand men for six months, and that Congress will speedily send forward to each state their respective proportions of the said provisions.

That it be requested of Virginia at this critical hour, immediately and without delay, to call forth every exertion, to equip and forward the regular troops now in the State and those that are to be raised by virtue of the law for drafting every fifteenth man, supposed to be about four thousand. And that North Carolina lose no time in essaying every measure that may have the least tendency speedily to fill up her quota of regular troops, and that Congress sensible of the importance and necessity of a strong regular Army enlisted for the war if possible, or for three years at least, will cheerfully pay half the bounty (land excepted) that shall be given by the said State of North Carolina for that purpose.

That Virginia be requested to lend to Congress and to forward to such places as the Commanding officer in the Southern Army shall direct five thousand arms, Congress engaging to replace them by the 15th Day of November next.

[1] This letter is in the *Papers of the Continental Congress*, No. 71, I, folio 405.

[2] This letter is in the *Papers of the Continental Congress*, No. 72, folio 97.

That the Board of War take measures immediately to refit and send forward in time a number of Arms sufficient to replace those that may be borrowed from the State of Virginia.

That the Board of War prepare without delay accoutrements necessary to remount Colonel Washington and Colonel White's cavalry, and that they use every exertion to procure tents and intrenching tools, as formerly requested by General Gates.

That the expediency of sending a reinforcement of cavalry to the Southern Army on account of the strength of the enemy's horse, be submitted to the Commander in Chief.[1]

Ordered, That it be re-committed, together with the foregoing letters.

A memorial of Mathew McComber was read:

Ordered, That it be referred to the Board of Admiralty.

A petition of William Wright and James Kent was read.[2]

Congress took into consideration the report of the committee on the letter, of 14 August, from Brigadier Knox; and after debate,

The Committee to whom the letters of General Knox and Colonel Popkins of the 14—22 and 26th of August last and relative to the procuring Shot and Shells for the use of the Army were referred, now report the following resolution.

That a Warrant issue in favor of the Board of War and Ordnance on the Continental Treasurer for dollars and similar Warrants issue on the Continental Commissioners of Loans in the States of Massachusetts Bay and Connecticut respectively for dollars of the new emissions of Congress to enable the said Board to comply with their contracts made for the said Articles and to procure the quantity required.[3]

Ordered, That it be re-committed, and that the committee confer with the Board of War and report.

[1] This report, in the writing of John Henry, is in the *Papers of the Continental Congress,* No. 19, II, folio 395. It is indorsed: "September 7 re-committed."

[2] This petition, dated July 24, 1780, is in the *Papers of the Continental Congress,* No. 42, VIII, folio 198.

[3] This report, in the writing of Nicholas Van Dyke, is in the *Papers of the Continental Congress,* No. 27, folio 111.

The Board of Treasury, to whom was referred the letter, of 26 August, from Major General McDougall, delivered in a report; Whereupon,

Resolved, That the depreciation of the money received by the officers of the army not belonging to the quota of any state, be settled at the rate fixed for the payment of loan office certificates, by a resolution of the 28th of June last.[1]

A letter, of this day, from Mr. Gibson and Mr. Forman, two of the commissioners of the Board of Treasury, was read.[2]

The Committee of Commerce, to whom was referred the letter from Mr. de Francey, delivered in a report.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, SEPTEMBER 8, 1780

A letter from Mr. W. Ellery, one of the commissioners of the Board of Admiralty, was read, requesting leave of absence to visit his family.[3]

Ordered, That leave be granted.

A memorial of Colonel L. Nicola was read:[4]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Roger] Sherman, Mr. [Samuel] Adams and Mr. [James] McLene.

A letter, of this day, from Captain Rice, of the 4th regiment of artillery, was read:

Ordered, That it be referred to the Board of War.

A petition of Increase Carpenter; and

A memorial of John Moore, were read:[5]

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 571.

[2] This letter is in the *Papers of the Continental Congress,* No. 136, IV, folio 573. It was referred to the committee on the letter of Francis Hopkinson, as the indorsement shows.

[3] This letter is in the *Papers of the Continental Congress,* No. 78, VIII, folio 355.

[4] This memorial, undated, is in the *Papers of the Continental Congress,* No. 41, VII, folio 49.

[5] Rice's letter is in the *Papers of the Continental Congress,* No. 78, XIX, 315; Carpenter's petition, dated September 8, 1780, is in No. 42, II, folio 78; John Moore's memorial, dated July 3, 1780, is in No. 42, V, folio 207.

Ordered, That they be referred to the Board of Treasury.

A memorial from Mr. G[eorge] Walton was read:[1]

Ordered, That it be referred to the committee on the letter, of 12 May, from W. Glascock.

The delegates of South Carolina laid before Congress a letter to them from Colonel Senf, which was read:

Ordered, That it be referred to the Board of Treasury.

Ordered, That a member in the room of Mr. J[oseph] Jones, who is absent, be added to the committee on the letter, of 20 August, from General Washington.

The member chosen, Mr. [Theodorick] Bland.

The committee, to whom was re-committed their report on General Gates' letter, of 20 August, together with the letter, of 3, from Governor Jefferson; and the letter, of 23 August, from Governor Nash to the delegates of North Carolina, delivered in a report which was read; and the same being taken into consideration:

Resolved, That magazines of provisions and forage for fifteen thousand men for six months, be immediately provided and laid up for the southern army:

That two-thirds of the flour and beef required from Maryland, by the resolution of the 25 February last, be retained in that State, for the above purpose, and stored at some safe and convenient places on or near navigable water.

That Virginia be requested to provide immediately 7000 bbls. of flour including the quantity required by 25 Feby last and other stores of provisions and forage sufficient for 7000 men at the least, one third to be deposited near the Roanoke and the remainder at some safe and convenient places on or near navigable water subject to the order of the Commander of the Southern Army.

Ordered, That so much of the report, as relates to the supplies to be furnished by the State of Virginia for the purpose aforesaid, be re-committed.

[1] This memorial, dated September 7, 1780, is in the *Papers of the Continental Congress*, No. 73, folio 270.

Resolved, That North Carolina furnish magazines of forage, flour and salted provisions to the utmost of their ability, to be stored at such convenient places as to the commanding officer in the southern department shall appear most eligible:

That it be earnestly recommended to the State of North Carolina, to use every exertion possible to fill up her quota of continental troops:

That the executive authority of Virginia be requested to equip and hasten forward the troops raised and now raising in that State, as mentioned in Governor Jefferson's letter to Congress of the 3d instant: ~~That North Carolina lose no time in essaying every measure that may have the least tendency speedily to fill up the quota of regular troops and that Congress sensible of the importance and necessity of a strong regular army inlisted for the war if possible~~ [Ms. torn].

That the State of Maryland be earnestly requested to compleat and forward to the southern army, her quota of regular troops, as formerly ascertained.

Ordered, That such parts of the letters from Governor Nash and Governor Jefferson, as relate to supplies of military stores wanted for the southern army, be referred to the Board of War.

That they be directed to supply the same with all possible dispatch, particularly tents, arms, accoutrements, camp kettles, entrenching tools and clothing for 5000 men at least, and that the Board of Treasury report ways and means to supply any moneys that may be wanted for this purpose, and that the expediency of immediately sending forward to the Southern Army a Corps of artillery and such other force as can be spared from the main army be referred to the Commander in Chief.[1]

Ordered, That the remainder of the report be postponed.

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of Thomas Bee, is in the *Papers of the Continental Congress,* No. 21, folio 209. It is undated.

SATURDAY, SEPTEMBER 9, 1780

A memorial from W. Welsh was read:[1]

Ordered, That it be referred to the Board of Treasury.

A letter, of 8, from John Nicholson was read.

Congress took into consideration the report of the committee on the letter from Mr. de Francey, relative to the ship *Chase* and cargo; Whereupon,

Resolved, That the ship *Chase*, now lying at Baltimore, be stripped of her sails, rigging and other furniture, and her hull and cargo sold by public sale under the direction of the Commercial Committee.[2]

The committee, to whom was referred the memorial of Colonel L. Nicola, delivered in a report which was read; Whereupon,

Resolved, That until the further order of Congress, no interest be computed on the new bills that shall be received by the officers, soldiers and seamen of the army and navy, for their pay or subsistence.[3]

The committee, to whom was referred the letter of 22 August, from Doctor Shippen, director general, brought in a report, which was read:

Ordered, That a member be added to the Medical Committee, in the room of Mr. [Samuel] Holten, who is absent:

The member chosen, Mr. [Theodorick] Bland.

Congress resumed the consideration of the report of the committee on the letter from F. Hopkinson, treasurer of loans; and after debate,

Ordered, That it be re-committed.

Ordered, That the letter, of the 7, from J. Gibson and E. Forman, two of the commissioners of the Board of Treasury;

[1] This memorial, dated September 9, 1780, is in the *Papers of the Continental Congress*, No. 41, X, folio 452.

[2] This report is in the *Papers of the Continental Congress*, No. 31, folio 223.

[3] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 41, VII, folio 50.

And also the letter, of 8, from J. Nicholson, be referred to the said committee.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of William Palfrey, paymaster general, a warrant issue on the treasurer in his favour, for thirteen thousand three hundred and thirty three dollars and one third of a dollar (for the purpose of enabling Colonel Senf and Major Magil to proceed to the southern army) for which the said William Palfrey is to be accountable.[1]

That on the application of Mr. [James] McLene, a delegate for the State of Pensylvania, made the 25 March last, a warrant issue on the treasurer in his favour, for five thousand dollars; for which the said State is to be accountable.

That on the application of Theophilus Gardner, clerk in the auditor general's office, a warrant issue on the treasurer in his favour, for four thousand dollars on account of his salary.

That on the application of Joseph Nourse, assistant auditor general, a warrant issue on the treasurer in his favour, for six thousand dollars, on account of his salary.[2]

On motion of Mr. [Nicholas] Van Dyke, seconded by Mr. [Samuel] Adams,

Ordered, That the commissioners of the Board of Treasury prepare and lay before Congress extracts of the several laws transmitted to Congress by the states that have actually or conditionally adopted the plan of finance, of the 18 of March last, clearly specifying in such extracts the mode which the respective states are pursuing for calling in the old bills of credit and the funds established in each for redeeming the new bills to be emitted under the act aforesaid.

Congress took into consideration the motion of Mr.

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 579.

[2] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 577.

[Joseph] Jones and Mr. [James] Madison; and after debate,

Ordered, That it be referred to a committee of five.

The members chosen, Mr. [Roger] Sherman, Mr. [Artemas] Ward, Mr. [Whitmill] Hill, Mr. [James] Madison and Mr. [John] Henry.

The committee, to whom was re-committed the report on the letter from Brigadier Knox, delivered in a report.

Adjourned to 10 o'Clock on Monday.

MONDAY, SEPTEMBER 11, 1780

Mr. J[ohn] Sullivan, a delegate for the State of New Hampshire, attended and produced his credentials, which were read as follows:

State of New Hampshire } In the House of Representatives June 27th 1780 Voted, That the hon^ble^ Major General John Sullivan and George Atkinson Esq^rs^ be, and hereby are chosen and appointed Delegates to represent this State in the Continental Congress for the Term of one year from and after the first day of November next, unless sooner relieved or recalled by order of the General Assembly of this State; and that upon notice given by the Delegates of this State now at Congress that they or either of them desire to return home before that time, that these Delegates supply their places with all the powers privileges and immunities that other Delegates from this State have heretofore had, held and enjoyed.

Sent up for Concurrence

JOHN LANGDON *Speaker*

In Council the same day read and concurred

J. PEARSON *D Sec^ry^*

Copy Examin'd by E. Thompson *Sec^ry^*

EXETER *August 19th 1780 in Com of Safety*

SIR

As General Foulsom has notified the State that he wishes to Return from Congress by the first of September next We Therefore request you to proceed to Congress To Act as Delegate for this State

and to act as agent for the State in the Dispute between New Hampshire New York Vermont and Mass Bay

In behalf of the Committee

M WEARE *Pres*[t].

To Major General
JOHN SULLIVAN.[1]

A letter, of 6, from General Washington was read:

Ordered, That it be referred to the committee on his letter, of 20 August.

A letter, of 30 August, from General Gates; and

A letter, of 6, from Governor Jefferson, were read, the former covering a letter, of 29 August, from General Gates to General Washington.

A number of letters from the honorable J. Adams were read, of the following dates; viz. March 8, 10, 12, 14, and 14, 30 and 30, April 3, May 16, 19, 20 and 20, 26, 27 and 28.

A letter, of June 15, from J. de Neuville and sons was read.

A letter, of 28 August, from J. Bradford was read:[2]

Ordered, That it be referred to the Board of Admiralty.

A letter, of 28 August, from Major General R. Howe was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Thomas] Bee, Mr. [Robert R.] Livingston and Mr. [James] Duane.

Congress took into consideration the report of the committee on the letter from Brigadier Knox; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of the paymaster of the Board of War and Ordnance, for two

[1] The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*.

[2] Washington's letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 147; it is printed in part in the *Writings of Washington* (Ford), VIII, 421; Gates's letter is in No. 154, II, folio 230; Jefferson's is in No. 71, folio 409; Bradford's is in No. 78, IV, folio 15; Adams's letters (except the letter of May 28) are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 539, 541, 542, 544, 545, 581, 588, 593, 680, 688, 691, 693, 702, 734.

millions of dollars in part of the four millions mentioned in the resolution, of the 25 July last, to enable the said Board to fulfil their contracts for shot and shells, and to repair a number of musquets belonging to the United States.[1]

The committee, to whom was re-committed part of their report on the letter, of 23 August, from Governor Nash, and the letter, of 3 September, from Governor Jefferson, brought in a farther report; Whereupon,

Resolved, That the State of Virginia be requested to furnish her quota of supplies as speedily as may be, agreeably to the requisition of Congress of the 25 February last, with an addition of five thousand barrels of flour, to be deposited in magazines at such place or places as the commanding officer in the southern department shall direct.

Resolved, That the expediency of immediately sending forward to the southern army a corps of artillery and a reinforcement of cavalry and such other force as can be spared from the main army, be referred to the Commander in Chief.[2]

Ordered, That the letter, of 30 August, from Major General Gates, and that of 6th, from Governor Jefferson, be referred to the Board of War, and that they take order relative to the supply of tents, arms, accoutrements, &c. for the southern army.

On motion of Mr. [James] Madison, seconded by Mr. [Samuel] Adams,

Ordered, That the Committee of Foreign Affairs cause to be printed at the expence of the United States 1200 copies of a correct translation of a memorial published by the Court of France, entitled "Observations sur le memoire justificatif de la cour de Londres;" and distribute the same to such

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, III, folio 375.

[2] This report, in the writing of Thomas Bee, is in the *Papers of the Continental Congress*, No. 21, folio 209, the first resolution being indorsed on the back of the re-committed report.

public bodies throughout the states, and in such proportions as they shall judge expedient.

Ordered, That Wednesday next be assigned for the consideration of the report of the committee on Doctor W. Shippen, director general's letter, respecting the hospital department.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, SEPTEMBER 12, 1780

A letter, of 8, from General Washington was read:

Ordered, That it be referred to the committee on his of 20 August.

Ordered, That two members be added to the committee.

The members chosen, Mr. W[illie] Jones and Mr. [John] Sullivan.

A letter, of 9, from General Washington, was read, inclosing a letter of 8, from Major General R. Howe, and also a letter of 8, from Brigadier John Nixon, requesting leave, on account of his ill state of health, to resign; Whereupon,[1]

Resolved, That the resignation of Brigadier General John Nixon, be accepted, on account of his ill state of health.

Ordered, That so much of General Washington's letter as relates to cloathing be referred to the Board of War.

A petition of John Shoman Phillips was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] McLene, Mr. [Nicholas] Van Dyke and Mr. [Samuel] Adams.

A petition of Thomas Finley was read:[2]

Ordered, That it be referred to the Board of Treasury to take order.

[1] Washington's letter of the 8th is in the *Papers of the Continental Congress*, No. 152, IX, folio 151. It is printed in the *Writings of Washington* (Ford), VIII, 425. Washington's letter of the 9th is in No. 152, IX, folio 155.

[2] Phillips's petition, dated September 11, 1780, is in the *Papers of the Continental Congress*, No. 42, VI, folio 240; Finley's, dated September 12, 1780, is in No. 42, III, folio 53.

A letter, of this day, from Ira Allen and Stephen R. Bradley;[1]

And a letter, of 25 July, from Thomas Chittenden, with sundry papers enclosed, were read.[2]

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Richard Phillips, steward to the President of Congress, a warrant issue on the treasurer in his favour, for fifteen thousand dollars, for the use of the President's household; for which the said steward is to be accountable.[3]

That on the application of Mr. [Edward] Telfair, a delegate for the State of Georgia, a warrant issue on the treasurer in his favour, for three thousand two hundred and eighty nine dollars, for which the State is to be accountable.[4]

TREASURY OFFICE *Sep^t. 5th. 1780*

The Board taking into consideration the application of the Hon'ble Thomas Bee Esqr for fifty thousand dollars, in part of the Bills of Exchange drawn by General Lincoln and accepted by the Board in June last, under the Resolution of Congress of the 23^d of March last, Beg leave to Report—

That the acceptance agreeably to said Resolution is for the payment of the said Bills in Loan Office Certificates, or in Cash, when there is cash in the Treasury to spare, the latter is not the case at present, and as the making any payment on those Bills in cash would be a sufficient reason for all holders of General Lincoln's Bills to expect the same indulgence and would justify applications for the same; which being utterly out of the power of the Board to comply with, they submit the following Resolution to Congress—

That on the application of the honorable Thomas Bee, for payment of bills of exchange in his favour, drawn by Major General Lincoln, and accepted by the Board of

[1] This letter is in the *Papers of the Continental Congress*, No. 40, I, folio 555.

[2] This letter is in the *Papers of the Continental Congress*, No. 40, I, folio 345.

[3] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 577.

[4] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 569.

Treasury in June last, a warrant issue on the treasurer in his favour, for fifty thousand dollars, in part of the monies due to him on account of the bills aforesaid.

Postponed.

The Board Report: That on the application of John D. Mercier one of the Commissioners of the Chambers of Accounts, a warrant issue on the Treasurer in his favour for twenty thousand dollars on account of his salary.[1]

Nine states, exclusive of the states interested, not being represented:

Resolved, That the order of the day, "to proceed to hear and examine into and finally determine the disputes and differences relative to jurisdiction between the three states of New Hampshire, Massachusetts Bay, and New York, respectively, or such of them as shall have passed such laws as are mentioned in the resolutions of the 24th of September and 2d of October last, on the one part; and the people of the district commonly known by the name of the New Hampshire Grants, who claim to be a seperate jurisdiction, on the other, in the mode prescribed in and by the said resolutions;" be postponed till Thursday next, and that the members in town be ~~directed~~ notified to attend the house at ten o'clock in the morning of that day.[2]

Congress resumed the consideration of the report of the committee on salaries; Whereupon,

Ordered, That so much thereof as relates to the navy boards be referred to a committee of three:

The members chosen, Mr. [Timothy] Matlack, Mr. B[enjamin] Huntington and Mr. [Whitmill] Hill.[3]

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 569.

[2] A marginal note says: "1777 June 30; 1779, June 1, 16; 1779, Sept. 24, Oct. 2; 1780, March 2, 21, May 22, 23, June 1, 2, 9." See the Journals for those dates.

[3] A letter from the Board of War, dated September 12, was read transmitting letters from Colonel Brodhead relative to the want of supplies. This letter is in the *Papers of the Continental Congress,* No. 147, IV, folio 524, the enclosures being on folios 529–535.

WEDNESDAY, SEPTEMBER 13, 1780

A petition of Peter Bensey was read:[1]

Ordered, That it be referred to the committee on the petition of J. S. Phillips.

Congress resumed the consideration of the report of the committee on salaries; Whereupon,

Resolved, That the officers and others undermentioned, be allowed by the year the sums following, that is to say,

Judges of the court of appeals in cases of capture, each, 2250 dollars; secretary of Congress, 2000 dollars; chaplains of Congress, each, 400 dollars; commissioners of the Board of War and Ordnance, Board of Treasury and Board of Admiralty, each, 1850 dollars; treasurer, 2000 dollars; auditor-general, 1750 dollars; assistant auditor-general, 1200 dollars; commissioners of the chambers of accounts, each, 1500 dollars; auditors of accounts at the army, each, besides a ration of provisions and forage for a horse, while with the army, 1200 dollars; treasurer of loans, 900 dollars; postmaster general, 1000 dollars; secretary and comptroller of the post office, 500 dollars; interpreter and translator of foreign languages, 600 dollars; secretary of the Board of War, 1500 dollars; secretary of the Board of Ordnance, who is paymaster of the Board of War and Ordnance, 900 dollars; secretary of the Board of Treasury, 1100 dollars; secretary of the Board of Admiralty, 1100 dollars; deputy secretary of Congress, 1000 dollars; messenger and door keeper to Congress, each, 400 dollars.

Re-committed. Surveyors in full for time and expenses each _ 1000

~~Secretary of the Board of War, Secretary of the Board of Ordnance, and Paymaster of the Board of War and Ordnance, Secretary of the Board of Treasury, Secretary of the Board of Admiralty, and Deputy Secretary of Congress, each~~ ..... ~~900~~

[1] This petition, dated September 13, 1780, is in the *Papers of the Continental Congress*, No. 42, I, folio 220.

Postponed.

Commissioners of the Navy Board in the Eastern District each	1500
Clerks in the several Boards, and offices each according to his merit and services, to be determined by the Commissioners, not exceeding 400 nor less than	250

Resolved, That the said salaries and wages be paid quarterly, for the time of attendance and service, in specie or other current money equivalent.

Resolved, That when it is necessary that persons be employed under any of the boards on public accounts, for temporary purposes, they be paid such wages as are suitable to the service; always taking care that they be retained no longer than necessity shall require.

The Committee have reported the salary of the Commissioners of the Eastern Navy Board only as they think the other in the Middle District wholly unnecessary since the institution of the Board of Admiralty, and therefore propose that it be resolved,

That the Navy Board of the Middle District be discontinued, the institution of the Board of Admiralty having rendered the same unnecessary.[1]

Ordered, That so much of the report as relates to the surveyors of the Post Office be re-committed.

That so much as relates to the clerks in the several boards be referred to the committee, to whom was referred so much as relates to the navy boards.

On motion of the committee, to whom was referred the letter, of 8, from General Washington;

Ordered, That so much of the said letter, as relates to a supply of specie be referred to the Board of Treasury.

Congress took into consideration the report of the committee on the hospital department, and made some progress:

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 26, folio 193. It is indorsed: "Delivered August 22, 1780; read; passed September 13, 1780. So much as respects the clerks referred to Mr. [Timothy] Matlack, Mr. B[enjamin] Huntington, Mr. [Whitmill] Hill." A copy of that part of the report relating to the navy boards, in the writing of Charles Thomson, is in No. 26, folio 203.

Resolved, That Friday next be assigned for electing a major general for the Maryland line.

The committee, to whom was referred the memorial of M. Sheftall, delivered in a report.

TREASURY OFFICE *September 13th 1780*

The Board of Treasury Report,

That on the application of Thomas Edison one of the Clerks in the office of the Secretary to Congress, a warrant issue on the Treasurer in his favor for six thousand dollars on account of his salary.

That on the application of James Milligan Auditor General, a warrant issue on the Treasurer in his favor for twenty five thousand dollars on account of his salary.[1]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, SEPTEMBER 14, 1780

A letter, of 10, from General Washington was read:

Ordered, That it be referred to the Board of War.

A letter, of 8, from Governor Jefferson, enclosing a copy of a letter, of September 2, from Colonel White, was read:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Theodorick] Bland, Mr. [John] Henry and Mr. [Whitmill] Hill.

A letter, of 2, from Lieutenant Colonel du Buysson was read.[2]

A memorial from Richard Varick was read.[3]

Ordered, That it be referred to the Board of War.

A petition of Catherine Pennington, widow of the late Miles Pennington, captain of marines on board the *Reprisal*, was read:

Ordered, That it be referred to the Board of Admiralty.

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 581.

[2] Washington's letter is in the *Papers of the Continental Congress*, No. 152 IX, folio 163; Jefferson's letter is in No. 71, I, folio 413; Du Buysson's is in No. 78, VII, folio 301.

[3] This memorial, dated August 25, 1780, is in the *Papers of the Continental Congress*, No. 41, X, folio 317.

The committee to whom were referred the memorial and account of Mordecai Sheftall, having reported,

That the charge in the said account against the United States, for a share of the brigantine *Hinchinbrook*, pressed into the public service, by order of the governor of Georgia, and lost in Savannah river, is in the predicament of a number of other cases, and must therefore depend upon some future general provision.

That the supplies to Colonel Williamson's militia, by order of Governor Houstoun, cannot now be settled for want of vouchers.

Resolved, That Congress agree to the said report.

Ordered, That such parts of the account of Mordecai Sheftall as respect arrears of pay as deputy commissary general of issues in Georgia; and a supply of rum to the continental troops in that State, be referred to the Board of Treasury.[1]

Brigadier General Smallwood was nominated by Mr. [John] Henry for major general.

The committee to whom was referred the report of the Board of War, on the plan for conducting the inspector's office, delivered in a report, which was read; also

The committee to whom were referred the letter, of 20 August, and subsequent letters from General Washington, delivered in a partial report, which was read.

The Committee to whom Genl Washington's letter of the 20th of August last and his several letters since that date, were referred Report as followeth

That the daily consumption of the grand army and its dependencies as stated to them by the Commissary Genl (for the Troops now in the field) amounts to Thirty two thousand seven hundred rations

[1] This report, in the writing of George Walton, is in the *Papers of the Continental Congress*, No. 19, V, folio 327.

That from the best information they have been able to obtain the army have not a prospect of an immediate supply of meat for more than five days at farthest

The Commissary General hath informed your Committee that he can purchase immediately five hundred head of cattle in the State of Pennsylvania if he can be furnished with cash for the purpose: your Committee therefore are of opinion that the Committee appointed be directed to apply to the bank in this City, and request them to purchase the said cattle in lieu of part of the flour engaged by them to Congress, or to furnish the Com^y. Genl. with money sufficient to purchase said cattle, for which the Com^y is to be accountable: a duplicate receipt to be taken and lodged with the Treasury Board. These cattle, if obtained, will make an additional supply of five days.

Your Committee further report that Eight hundred and twenty three neat cattle are indispensably necessary to be furnished weekly for supply of the present army; and that those cattle should be drawn from New Hampshire, Massachusetts and Connecticut.

But they recommend that one thousand head of cattle be called for weekly from the before mentioned States in the following proportions, to wit.

New Hampshire	76
Massachusetts	385
Connecticut	539
	1000

This will insure a sufficient supply for the present army, and should there be any overplus it will so far enable the Commissary to furnish Magazines of salted provisions at such posts as the Commander in Chief shall direct.

The Committee also report as their opinion that the President be requested to inclose copies of this resolution to the said States respectively in letters to be forwarded without delay by express, urging upon them the necessity of an immediate and full compliance therewith, and the fatal consequences which must inevitably fall on the army in case of failure in either.

As some time will elapse before the aforesaid States can be notified of this requisition, and their supplies reach the army, therefore your Committee report as their opinion that the States of New Jersey, Pennsylvania and Delaware be requested immediately to furnish

for an intermediate supply the following number of cattle in this proportion (to wit)

New Jersey	275
Pennsylvania	1251
Delaware	530
	2056

[Your Committee recommend that for defraying the expense of forwarding said cattle to the army from the States of New Hampshire, Massachusetts and Connecticut, for a weekly supply, warrants be drawn monthly upon the Loan offices of said States, in favor of the Commissary General, until the further order of Congress in the following proportion viz:

New Hampshire	418⅔	Dollars of the new emission
Massachusetts	7186⅔	
Connecticut	5030⅔	

and that for defraying the expense of forwarding (for an intermediate supply) the cattle from New Jersey, Pennsylvania and Delaware, warrants be drawn upon the Loan offices of said States for the following sums in money of the new emission—viz:

New Jersey	550 Dollars
Pennsylvania	2919
Delaware	1236
Dollars	4.705

and that the Commissary be authorized in case either of said States have not received their money of the new emissions, to apply to the Executive of the said States, who are requested to advance him upon said warrants an equivalent in other money.][1]

The order of the day was read, "to proceed to hear and examine into and finally determine the disputes and differences relative to jurisdiction between the three States, New Hampshire, Massachusetts Bay and New York, respectively, or such of them as have passed such laws as are mentioned in the resolutions of the 24 September and 2 October, 1779, on the one part, and the people of the district commonly known by the name of the New Hampshire

[1] This report, in the writing of Ezekiel Cornell, except the portion in brackets, which is in John Sullivan's hand, is in the *Papers of the Continental Congress*, No. 19, VI, folio 293.

Grants, who claim to be a seperate jurisdiction on the other, in the mode prescribed in and by the said resolutions." And after debate thereon,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, SEPTEMBER 15, 1780

A letter, of this a day, from Ira Allen and Stephen R. Bradley; and a memorial from David Shaffer, were read.[1]

Ordered, That the memorial be referred to the Board of Treasury.

The Committee on the Post Office, and the committee to whom was referred the motion of the delegates of Virginia, respecting lands that may be ceded in pursuance of the recommendations of the 6th instant, delivered in reports.

Congress proceeded to the election of a commissary general of prisoners; and the ballots being taken, Mr. Abraham Skinner was elected.

Congress proceeded to the election of a major general for the Maryland line; and the ballots being taken, Brigadier General Smallwood was elected.

Congress took into consideration the report of the committee on the letter, of 20 August and subsequent letters from General Washington; Whereupon,

Ordered, That the committee appointed to confer with the directors of the bank in Philadelphia, apply to the said directors, and request them to purchase five hundred head of cattle, in lieu of part of the flour engaged by them to Congress, or to furnish the commissary general with money sufficient to purchase the said cattle, for which the commissary general is to be accountable; a duplicate receipt to be taken and lodged with the Treasury Board.

Resolved, That for the supply of the army, the states of New Hampshire, Massachusetts Bay, and Connecticut, be

[1] The letter from Allen and Bradley is in the *Papers of the Continental Congress,* No. 40, I, folio 557; Shaffer's memorial, undated, is in No. 41, IX, folio 123.

called upon to furnish, weekly, one thousand head of cattle, in the following proportions, to wit:

New Hampshire, - -	76	Connecticut, - - -	539
Massachusetts Bay, -	385		
			1000

Ordered, That copies of the above resolution be forwarded by express to the said states respectively, and that the President, in his letter, urge the necessity of an immediate and full compliance therewith, and the fatal consequences which must fall upon the army, in case of failure in either.

Resolved, That the states of New Jersey, Pensylvania, and Delaware, be requested, ~~immediately~~ with all possible dispatch, to furnish for an immediate supply to the army, the following number of cattle, to wit:

New Jersey, - -	275	Delaware, - - -	530
Pensylvania, - -	1251		
			2056

That for defraying the expence of forwarding the said cattle to the army, from the states of New Hampshire, Massachusetts Bay, and Connecticut, (for a weekly supply,) warrants be drawn monthly upon the loan offices of the said states, in favour of the commissary general, until the further order of Congress, in money of the new emission, viz.

On the loan officer for the State of New Hampshire, for 1418 2-3 dollars; Massachusetts Bay, 7186 2-3 dollars; Connecticut, 5030 2-3 dollars.

And for defraying the expence of forwarding, for an immediate supply, the cattle from New Jersey, Pensylvania, and Delaware, that warrants be drawn upon the loan offices of the said states, in favour of the commissary general, for the following sums, in money of the new emission, viz.

On the loan officer of the state of New Jersey, for 550 dollars; Pensylvania, 2919 dollars; Delaware, 1236 dollars.

And that the commissary general be authorized, in case any of the said states have not received their money of the

new emission, to apply to the executive of the said states, who are requested to advance him, upon the said warrants, an equivalent in other money.

A letter, of this day, from the honble the Minister Plenipotentiary of France, was read, enclosing the following Declaration:[1]

"Nous Cesar Anne de la Luzerne, Chevalier de l'ordre de St. Jean de Jerusalem, brigadier des armées de S. M. T. Ch. et son Ministre plenipotentiaire près des états unis de l'Amérique septentrionale, &c. certifions que la copie ci dessus d'une declaration relative a la suppression des articles onze et douze du traité de commerce et d'amitié entre S. M. et les états unis de l'Amérique septentrionale est conforme aux originaux dont l'un est depose dans les archives du département des affaires étrangères et l'autre a été remis entre les mains du Ministre plenipotentiaire des dits états unis.

Fait en notre hotel à Philadelphie le quinze Septembre, mille sept cent quatre vingt.

(Signé) Le che. DE LA LUZERNE.

[Translation.]

I, Cæsar Anne de la Luzerne Knight of the order of St. John of Jerusalem, brigadier of the armies of his most Christian Majesty and his Minister plenipotentiary to the United States of North America, &c. do certify that the above copy of a declaration relative to a suppression of the eleventh and twelfth articles of the treaty of amity and commerce, between his Majesty and the United States of North America, is conformable to the originals, one of which is deposited in the archives of the department of foreign affairs, and the other left in the hands of the Minister plenipotentiary of the United States.

Done at Philadelphia, the fifteenth September, one thousand seven hundred and eighty.

(Signed) Le Ch. DE LA LUZERNE."

In conformity to the foregoing declaration of his Most Christian Majesty, the Commissioners Plenipotentiary of the United States

[1] The Declaration is printed in volume XI, p. 461, and I give here only the Minister's certificate. The Minister's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 57.

signed the following "Declaration. The Most Christian King having been pleased to regard the representations made to him by the general Congress of North America, relating to the eleventh article of the treaty of commerce, signed the sixth of February in the present year, and his Majesty having therefore consented that the said article should be suppressed on condition that the twelfth article of the same treaty be equally regarded as of none effect, the general Congress hath declared on their part, and do declare that they consent to the suppression of the eleventh and twelfth articles of the above mentioned treaty and that their intention is that these articles be regarded as having never been comprized in the treaty signed the 6 of February.

"Done at Paris the first day of September, 1778."

Ordered, That the letter of the honorable the Minister of France, with the above recited declaration be referred to the Committee of Foreign Affairs.

Ordered, That Mr. [Nathaniel] Folsom have leave of absence.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, SEPTEMBER 16, 1780

A letter, of 15, from Major General A. McDougall was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Abraham] Clark, Mr. [Ezekiel] Cornell and Mr. [Roger] Sherman.

A letter, of 3, from Otis & Henley, and a memorial from Nathaniel Tracy, were read:

Ordered, That they be referred to the Board of Treasury.

A letter, of 15, from E. Blaine was read:[2]

Ordered, That it be referred to the committee on the letter, of 20 August, from General Washington, and that the committee confer with the honorable the Minister of France on the subjects.

[1] This letter is in the *Papers of the Continental Congress,* No. 161, folio 115.

[2] This letter is in the *Papers of the Continental Congress,* No. 165, folio 357.

A letter, of this day, from A. Skinner was read, signifying his acceptance of the office of commissary general of prisoners.[1]

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Charles Pettit, assistant quarter master general, on account of Major General Greene, late quarter master general, a warrant issue on Joseph Borden, commissioner of the continental loan office for the State of New Jersey, for the sum of one hundred and twenty nine thousand one hundred dollars, payable in loan office certificates, on the orders of the Reverend Mr. James Caldwell, to reimburse him the like sum by him expended in that department out of monies by him received on loan by an appointment of Governor Livingston of New Jersey, in pursuance of a resolution of Congress, of the 29 June, 1779; which said certificates shall bear date on the days of the receipts given by the said Caldwell to each respective lender.[2]

The order of the day was called for "to proceed to hear" &c. when a set of resolutions were moved by Mr. [James] Madison, seconded by Mr. [Francis] Kinloch; and the first resolution being read and debated, a motion was made to postpone it; on which the states were equally divided, the states of New Hampshire, Massachusetts Bay and New York not voting on the question.

Resolved, That it appears to Congress from the evidence stated to them by the Delegates of New Hampshire and New York as well as from former Resolutions of Congress defining the general Boundary of the United States, That the Territory commonly called the New Hampshire Grants is within the limits of some one or more of the United States.

Resolved, That every attempt by force to set up a seperate and independent jurisdiction within the limits of any one of the United States, is a direct violation of the rights of such State, and subversive

[1] This letter is in the *Papers of the Continental Congress,* No. 78, XX, folio 545.

[2] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 587.

of the union of the whole, under the superintending authority of Congress.

Resolved, That it be earnestly recommended to the people who have assumed an Independent jurisdiction over the district aforesaid immediately to desist from the exercise thereof, and to remain until a final determination shall take place, subject to such of the States contending for jurisdiction over them, as a major part of the Inhabitants of each of the Townships shall on an election for that purpose, respectively prefer.

Resolved, That Congress will immediately proceed to the appointment of Commissioners agreeably to their Resolutions of the 24th Day of Septr last, to hear and determine the claims of New Hampshire, and New York, to the Country commonly called the New Hampshire Grants ~~and will enforce the decrees of the said Commissioners~~.

Resolved, That it be recommended to the State or States, within whose jurisdiction the same shall fall, to confirm the titles of the Inhabitants, to the lands they respectively hold, notwithstanding any defect in the grants on which any such titles depend.

Resolved, That a special Committee be appointed, to prepare and Report an address, to the Inhabitants of the District in question, explaining to them the principles and reasons, on which the foregoing resolutions are founded, and urging them to a ready and peaceable submission to them.[1]

After further debate,

Adjourned to 10 o'Clock on Monday.

MONDAY, SEPTEMBER 18, 1780

A representation of the conduct of the State of Maryland in answer to the act of Congress, of the 17 June last, by a committee for that purpose appointed, was read, accompanied with sundry acts and proceedings of the legislative and executive powers of the State, in pursuance of sundry acts and recommendations of Congress.[2]

[1] These resolutions, in the writing of James Madison, are in the *Papers of the Continental Congress*, No. 20, II, folio 249.

[2] This representation is in the *Papers of the Continental Congress*, No. 70, folio 419.

A memorial from William Bingham was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Henry, Mr. [William Churchill] Houston and Mr. [John] Fell.

A representation from the officers on board of the *Alliance,* was read, also sundry papers signed by officers respecting Captain Landais, were laid before Congress.

Ordered, That they be referred to the Board of Admiralty.

A letter, of 31 August last, from Beza Woodward, in behalf of a convention of members from the towns on both sides Connecticut river, met at Dresden in the New Hampshire Grants;[2] and a petition from the said convention; also another letter, of 31st August, from the said Beza Woodward, were read.[3]

The delegates for the State of New York laid before Congress a letter, of 12th, from Governor Clinton, with sundry papers enclosed, which were read:[4]

A report from the Board of Treasury was read; Whereupon,

Resolved, That the Board of Treasury be and hereby are authorised and empowered to send to the commissioners of the loan office in Massachusetts Bay, or to any other commissioner in any other state, such of the bills of exchange drawn on the hon. John Jay, minister plenipotentiary of the United States at the Court of Madrid, and reserved in pursuance of the resolution of Congress of the 21 of April last, for the use of prisoners of war, as they shall judge expedient, ordering the said bills to be sold for specie, on terms to be prescribed by the Board, the proceeds of which shall be ap-

[1] This memorial, undated, is in the *Papers of the Continental Congress,* No. 41, I, folio 319.

[2] This letter is in the *Papers of the Continental Congress,* No. 40, I, folio 359; the petition, dated August 30, 1780, is on folio 559.

[3] This letter is in the *Papers of the Continental Congress,* No. 40, 1, folio 361.

[4] This letter is in the *Papers of the Continental Congress,* No. 40, I, folio 365.

plied in the same manner as is directed by another resolution of Congress, passed the 23d day of August last.

Ordered, That on the application of Joseph Scudder, a clerk in the war office, a warrant issue on the treasurer in his favour, for five thousand dollars, on account of his salary.[1]

A report from the Board of War was read; Whereupon,

At a Board of War *Sept 15. 1780*

The Board having considered the enclosed letter from Col° Hartley, and being well satisfied of the authenticity of the facts therein stated, Beg leave to report,

Resolved, That Lieutenant William Wilkinson, of the 62d British regiment, a prisoner of the Convention troops, be permitted to return to Ireland his native country, on parole.[2]

Another report from the Board of War was read, enclosing a return from the cloathier general; Whereupon,

War Office *Sept 16. 1780*

Sir

The Board have the honor to lay before Congress the number of articles of clothing mentioned in the last return received from the Clothier General, which will shew the very scanty stock of clothing on hand and the distressing probability of the calamities the troops will again experience from the want of cloathing; We know of no addition to the quantities mentioned in the return, except the articles agreed for by Otis & Henley with Mess^s^ Tracey & Comp^y^, which now lie at Boston and cannot be made up for want of money to pay the workmen. There is also a small quantity of clothing arrived in the French fleet, which we hear is sent off to Head quarters; the quantity or species we are unacquainted with, but the whole of these will bear a small proportion to the quantities required. Disappointed as we are in our expectations of the arrivals from Europe of cloathing on public account, and possessed of no means of remedying the misfortune, yet held up to the army as responsible in some degree for the provision of this essentially necessary article, we thought it our duty to lay the matter before Congress for their information and consideration, that some measures may be taken

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 583.

[2] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 551.

if in the power of Congress to prevent the distresses the troops are likely to experience from the severity of the approaching season.[1]

Ordered, That so much of the report, as relates to the goods purchased from Messrs. Tracey & Co. be referred to the Board of Treasury.

On motion of Mr. [Robert R.] Livingston, seconded by Mr. [Samuel] Adams,

Ordered, That the Board of War report the quantity of cloathing, military and hospital stores that will be necessary for the army for the ensuing campaign.

A letter, of 15, from General Washington was read:[2]

Ordered, That it be referred to the committee on his letter of 20 August.

A letter, of 16, from General Washington; and

A letter, of 17, from the honorable the Minister of France, were read:[3]

Congress took into consideration the report of the committee on the motion of the delegates of Virginia, and made some progress.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, SEPTEMBER 19, 1780

A letter, of 16, from the honorable the Minister Plenipotentiary of France, was read, informing Congress that he is about to leave Philadelphia, and to be absent for some weeks; but that Mr. Marbois will remain here in quality of his majesty's chargè des affaires, and hoping that, from his known attention to matters relative to the embassy, Congress will grant him their confidence; Whereupon,[4]

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 559.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 169. It is printed in the *Writings of Washington* (Ford), VIII, 440.

[3] Washington's letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 175.

[4] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 59

Resolved, That the President inform the Minister of France, that, in his absence, they will readily continue their intercourse with the embassy of his Most Christian Majesty, through Mr. Marbois, as his Majesty's chargè des affaires, in whose abilities and attention to the interests of the Court of France and these United States they have just confidence.

On motion of Mr. [John] Henry, seconded by Mr. [Samuel] Adams,

Resolved, That all the Journals of Congress and other public papers transmitted by the secretary of Congress to the supreme executive or general assembly of any of the United States shall go free of postage, and that they be accordingly franked by the secretary.

A letter, of 14, from Governor Jefferson was read, enclosing one, of 9, from Major General Gates:

Ordered, That the same be referred to the Board of War.

A letter, of 13, from Brigadier General A. Wayne was read.

A letter, of this day, from Doctor W. Shippen, director general, was read:

Ordered, That it be referred to the Medical Committee.

A letter, of 15, from Monsieur Malmedy was read:[1]

Ordered, That it be referred to the Board of Treasury.

The Board of War, to whom was referred the letter, of 10, from General Washington, brought in a report; Whereupon,

At a Board of War *Sept 19, 1780*

Present Mr Peters Colo Grayson

The Board having considered the letter of General Washington of the 10th inst, referred to them by Congress, relative to the salted beef and pork lately arrived in sundry prizes in the State of Massachusetts Bay, beg leave to report for the consideration of Congress

That the Commissary General be furnished with the sum of
to enable him to procure for the use of the army, a quantity of salted beef and pork captured from the Enemy, and arrived at Boston

[1] Jefferson's letter is in the *Papers of the Continental Congress,* No. 71, I, folio 417; Wayne's letter is in No. 161, folio 225; Malmedy's letter is in No. 78, XVI, folio 81.

Should it not be in the power of Congress to furnish the money required, The Board beg leave to report,

Resolved, That it be recommended to the State of Massachusetts Bay, to take effectual measures for procuring, for the use of the army, a quantity of salted beef and pork, arrived in that State in sundry prizes captured from the enemy; [and that the State be informed that Congress will draw upon the loan officer in the said State for payment of the same, out of the new bills reserved for the use of the United States.][1]

The Board of Admiralty to whom was referred the letter, of 28 August, from J. Bradford, delivered in a report, which was read.

Congress having referred to the Board of Admiralty a letter dated the 28th August last from John Bradford, Continental agent, at Boston, the Board beg leave to make the following Report.

That Mr. Bradford be directed to deliver all the Canvas in his possession as also all other goods belonging to the United States to the Commissioners of the Navy Board of the Eastern Department.

That the Navy Board of the Eastern Department be in future empowered to receive all continental prizes brought into any port within their District, and they be accountable to the Board of Admiralty for the same.

That the Navy Board of the Eastern Department be directed to reserve as much of the Canvas as they may deem sufficient for the immediate use of the Navy, or suitable for soldiers tents, and to sell the remainder with all convenient speed.

The following are extracted from letters received by the last post from the Navy Board at Boston

"That they are indebted considerable sums to tradesmen for fitting out the *Trumbull* and *Deane* Frigates and that large sums of money are immediately wanted for paying off the crew of the *Alliance*, who say they have received neither wages nor prize money in France. Continuing the 74 and *Bourbon*, together with laying up salt provisions, the Season for which is now approaching, that unless they

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 563. The portion in brackets was added in Congress.

are furnished with an immediate supply of money they can go no further" &c.[1]

The committee to whom were referred the letter, of May 12, from Mr. Glascock; and the memorial of Mr. [George] Walton, delivered in a report, which was read.

The committee to whom were referred the letter of 20 August, and subsequent letters from General Washington, brought in a farther report, which was read:

Ordered, That the consideration thereof be assigned for to morrow.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Messrs. [George] Walton and [John] Few, delegates for the State of Georgia, a warrant issue on the treasurer in their favour, for twenty thousand dollars; for which the said State is to be accountable.[2]

Resolved, That when Congress adjourn it be adjourned to 6 o'Clock this afternoon.

Resolved, That the order of the day, to proceed to hear and examine into and finally determine the disputes and differences relative to jurisdiction between the three states of New Hampshire, Massachusetts Bay, and New York, respectively, or such of them as have passed such laws as are mentioned in the resolutions of the 24 September and 2 October last, on the one part, and the people of the district commonly known by the name of the New Hampshire Grants, who claim to be a seperate jurisdiction, on the other, be postponed till six o'clock.

On motion of the delegates of New York,

Ordered, That the secretary notify Messrs. Ira Allen, Stephen R. Bradley, Luke Knoulton, and Colonel Olcott, to

[1] This report is in the *Papers of the Continental Congress,* No. 37, folio 317. It is indorsed: "Read September 19."

[2] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 589.

attend this afternoon, on the hearing of the question respecting the jurisdiction of the tract of country commonly called the New Hampshire Grants.

Adjourned to six o'Clock.

SIX O'CLOCK P. M., SEPT. 19, 1780

Congress met, according to adjournment, and proceeded to hear, &c. the persons notified attending, when the following papers were read:

The act of the State of New York, passed October 21st, 1779, and the act of the State of New Hampshire, of November, 1779, both passed pursuant to the resolutions of 24 September and 2 October:[1]

A commission to Ira Allen and Stephen R. Bradley, esqrs. dated 16 August, 1780, signed Thomas Chittenden, under a seal in the instrument, called seal of the State of Vermont:[2]

An appointment of Luke Knoulton, as agent on behalf of the inhabitants of Cumberland county, at a convention of the committees of the said county, held at Brattleborough, the 30 day of August, 1780, and signed John Sergeant, chairman, pro tempore.

An appointment of Peter Olcott and Bezaleel Woodward, esqrs. agents from the towns in the northern parts of the New Hampshire Grants, on both sides of Connecticut river, being part of a district known by the name of the State of Vermont, pursuant to a vote of a convention of members from the said towns, 17 November, 1779, signed Joseph Marsh, chairman of the said convention, and dated New Hampshire Grants, January 1, 1780.[3]

[1] A copy of the act of New York is in the *Papers of the Continental Congress*, No. 40, I, folio 269; a copy of the New Hampshire act is on folio 563.

[2] This commission is in the *Papers of the Continental Congress*, No. 40, I, folio 357.

[3] Knoulton's appointment is in the *Papers of the Continental Congress*, No. 40, I, folio 371; that of Olcott and Woodward on folio 309.

The delegates of New York, as agents for the State, delivered in sundry papers, which were read, with an intent to prove that the tract of country known by the name of the New Hampshire Grants, on the west side of Connecticut river, is within the limits of the State of New York; that the State of New Hampshire have acknowledged this, and that the people on the said tract have been represented in the legislature of New York since the year 1764.

[Adjourned to 10 o'clock to morrow.]

WEDNESDAY, SEPTEMBER 20, 1780

A letter, of 18th, from Major General Greene was read:

Ordered, That copies thereof be transmitted to the governors of Maryland and Virginia; and that the letter be referred to the delegates of Virginia, Maryland and Pensylvania.

Another letter, of 17th, from Major General Greene was read.[1]

A petition of John Hamilton was read:[2]

Ordered, That it be referred to the Board of Treasury.

A certificate of Enoch Innis was read:

Ordered, That it be referred to the Board of War.

Four letters dated May 8, one May 9, one May 10, one May 11, and one May 13, from the honorable J. Adams, were read:[3]

Ordered, That they be referred to the Committee of Foreign Affairs.

Ordered, That on the application of the delegates for the State of South Carolina, a warrant issue on the treasurer in

[1] Greene's letter of the 18th is in the *Papers of the Continental Congress,* No. 155, I, folio 431; his letter of the 17th is on folio 427.

[2] This petition, dated September 20, 1780, is in the *Papers of the Continental Congress,* No. 42, III, folio 391.

[3] These letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 652, 656, 660, 663, 667, 668, 670, 674.

their favour, for five thousand dollars, for which the said State is to be accountable.

Ordered, That the order of the day respecting the jurisdiction of the tract of country commonly called the New Hampshire Grants be postponed to 6 o'Clock this afternoon.

Congress took into consideration the report of the committee on the letter of the 20 and subsequent letters of General Washington, and having made some progress,

Adjourned to 6 o'Clock.

SIX O'CLOCK P. M.

The committee to whom was referred the letter from Major General Greene, brought in a report, which was taken into consideration; Whereupon,

Resolved, That it be recommended to the governor and supreme executive council of the State of Virginia, to be prepared to march the Convention troops from Albemarle barracks, by the way of Winchester, to fort Frederick, in the State of Maryland, upon an invasion of the State of Virginia, in case the conjuncture of affairs should render the measure necessary.

That the Board of War be directed to take measures for the march of the new-raised regiment of Maryland, by such route as they may judge most expedient for the public service; and if from circumstances it shall become necessary, that they be empowered to halt the said regiment at such places as will best serve to cover the march of the Convention troops.

That the States of Maryland and Virginia be requested to take eventual measures for providing magazines of provisions, at or in the neighbourhood of fort Frederick, for the supply of the Convention troops.

That the States of Maryland and Virginia be informed, that Congress will use every exertion to supply them with tents

and a number of arms, for the use of their respective militia; and that at the same time it be recommended, in the strongest manner, to the said states, to leave no steps untried which may have a tendency to furnish these important and necessary articles.

Congress proceeded to the order of the day, the parties being present as yesterday, except the delegate for the State of New Hampshire, who was absent through sickness; when the State of New York, by its delegates, proceeded in stating evidence to prove that the inhabitants of the tract of country known by the name of the New Hampshire Grants, west of Connecticut river, as part of the State or Colony of New York, were duly represented in and submitted to the authority, jurisdiction and government of the Congress and convention of the said State, till late in the year 1777; and that, therefore, the people inhabiting the said tract of country have no right to a seperate and independent jurisdiction.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, SEPTEMBER 21, 1780

A letter, of 20, from Henry Carberry, was read:

Ordered, That it be referred to the Board of Treasury.

The committee on the letters from Gen. Washington, brought in a farther report; Whereupon,

Resolved, That it be recommended to the State of Maryland to send immediately to the main army, five hundred head of neat cattle, over and above the quantity of meat required by the resolution of the 25 of February last; and that the State be informed, that Congress will draw upon the loan officer in the said State for the payment of the same, out of the new bills reserved for the use of the United States:

Congress resumed the consideration of the report on the letters from General Washington, and the following paragraph being debated, viz.

And in case the full quota of each state, respectively, shall not be enlisted and brought into the field by the first day of December next, that until recruits for the war shall be obtained, the deficiencies be supplied by the states respectively, by men to serve for not less than one year, after they join the army, unless sooner relieved by the recruits inlisted for the war.

On the question to agree to this, the yeas and nays being required by Mr. [John] Mathews,

Massachusetts,		
Mr. Adams,	ay	ay
Ward,	ay	
Rhode Island,		
Mr. Cornell,	ay	ay
Connecticut,		
Mr. Huntington,	ay	ay
B. Huntington	ay	
New York,		
Mr. Duane,	ay	ay
Livingston,	ay	
New Jersey,		
Mr. Fell,	ay	div.
Houston,	no	
Pennsylvania,		
Mr. McLene,	ay	ay
Matlack,	no	
Ingersol,	ay	
Maryland,		
Mr. Jenifer,	ay	ay
Hanson,	ay	
Henry,	ay	
Virginia,		
Mr. Walker,	ay	div.
Bland,	no	
North Carolina,		
Mr. W. Jones,	ay	ay
Hill,	ay	
South Carolina,		
Mr. Mathews,	no	no
Bee,	no	
Kinloch,	ay	
Georgia,		
Mr. Walton,	ay	ay
Few,	ay	

So it was resolved in the affirmative.[1]

Adjourned to 10 o'Clock to Morrow.

FRIDAY, SEPTEMBER 22, 1780

Mr. [George] Plater, a delegate for Maryland, attended and took his seat in Congress.

[1] At this point were entered in the Journals the resolutions on the formation of the army, printed under October 3, 1780, *post.* In the margin Thomson has noted: "By a vote of the house, on reading the journals next morning, it was resolved that this be taken of[f] the journal until the Committee shall make a farther report."

A petition of Charles McCarthy was read:[1]

Ordered, That it be referred to the Board of Treasury.

A petition of William Murray was read:

Ordered, That it be referred to the committee appointed to report regulations relative to captures by sea.[2]

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of the Board of War, a warrant issue on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts Bay, for thirty thousand dollars, payable in the bills of credit subject to the orders of Congress by their resolution of the 18 March last, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, to enable Messrs. Otis & Henly, agents, cloathiers in Boston, to pay for ~~the fulling of blankets and~~ making up cloathing, &c. for the use of the armies of the United States; and for which the said paymaster is to be accountable.[3]

TREASURY OFFICE *Sept 19th 1780*

The Board of Treasury Report,

That by letters and Returns lately received from the Commissioners of the Loan offices, in the States of Virginia, Maryland and Connecticut, it appears few or none of the Bills of Exchange ordered to be sent to those offices, by the Resolution of Congress of the 19 of May last, have been disposed of.

That it appears to the Board, a contract has been entered into by Messrs Otis & Henly of Boston; agents for purchasing Cloathing on Continental Account, with Nathaniel Tracy of New Berry Port, to a considerable sum, in sterling money of Great Britain.

That the agent of the said Tracy is now attending in consequence of his memorial to Congress referred to this Board, and offers to receive the Bills drawn by the orders of Congress on their Ministers in Europe, in discharge of the Contracts aforesaid, at Par, which

[1] This petition, dated September 21, 1780, is in the *Papers of the Continental Congress,* No. 42, V, folio 209.

[2] A marginal note says: "See July 27."

[3] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 597.

appears to the Board, to be for the interest of the United States; Wherefore they beg leave to offer the following Resolution,

Resolved, That the Board of Treasury be authorised to recall from the commissioners of the loan offices, in the States of Virginia, Maryland and Connecticut, the Bills of Exchange lodged with them for sale, in pursuance of the resolution of Congress of the 19th of May last, and that they be empowered to pay the same in part discharge of the debt due to Nath[l] Tracey & Co. for Cloathing purchased by Otis & Henly for the use of the army.

That on the application of Gillam Aertson a Clerk in the War office a Warrant issue on the Treasurer in his favor for five thousand dollars on account of his salary.

Postponed.

The Board having taken into consideration, those parts of the memorial of Mordecai Sheftall, referred to them by Congress, beg leave to report,

That the said Sheftall in respect of the pay due to him as a deputy Commissary General of Issues, should apply to his principal, for the adjustment of his pay; and to the Commissary General of Purchases for Reimbursement of the Rum, sold him for the use of the Troops.

Postponed.

The Board beg leave to represent, that it would be of the worst consequence to the Public Interest to admit demands of this kind to be made here, without Certificates of the adjustment of the accounts from the proper officers, placed at the heads of the several departments, who should be charged with the sums paid at the Treasury on such Certificates.

On the application of Timothy Pickering Esq[r] Qua[r] Mast[r] General accompanied with an estimate of the cost of one thousand tents, the Board beg leave to report, the following resolution

Resolved, that the Board of Treasury be authorised to deliver to Colonel T. Pickering Q. M. G,, bills of exchange to the amount of six thousand, five hundred and six dollars, for the purpose of purchasing Tents for the use of the Southern Army.

The Board beg leave further to Report,

Information.

That they have considered the memorial of David Shaffer referred to them by Congress, and are of opinion, that the present state of the Public Funds renders a compliance with the request of the memorialist impracticable.[1]

Congress resumed the consideration of the report of the committee on the medical department, and on the consideration of the following paragraph, viz.

"That the several officers whose pay is established as above, except the clerks and stewards, shall at the end of the war be entitled to a certain provision of land in the proportion following, viz.

The director to have the same quantity as a brigadier general. Chief physicians and purveyors, the same as a colonel. Physicians and surgeons and apothecary the same as lieutenant colonel. Regimental surgeons and assistants to the purveyor and apothecary, the same as a major. Hospital and regimental surgeons mates, the same as a captain."

A motion was made by Mr. [Frederick A.] Muhlenberg, seconded by Mr. [Theodorick] Bland, to amend the paragraph by inserting after the words, "intitled to" the words following, viz. "half pay in the same manner and under like restrictions as officers of the line"; and on the question to agree to the amendment, the yeas and nays being required by Mr. [John] Fell,

Massachusetts Bay,		
Mr. Ward,	no	*
Rhode Island,		
Mr. Cornell,	no	no
Connecticut,		
Mr. Huntington,	no	no
B. Huntington,	no	
New York,		
Mr. Livingston,	ay	ay
New Jersey,		
Mr. Fell,	no	no
Houston,	no	
Pennsylvania,		
Mr. McLene,	ay	ay
Muhlenberg,	ay	
Matlack,	ay	
Ingersol,	ay	

[1] This report is in the *Papers of the Continental Congress*, No 136, IV, folio 591.

Maryland,		
Mr. Hanson,	ay	ay
Henry,	ay	
Virginia,		
Mr. Walker,	ay	ay
Bland,	ay	
North Carolina,		
Mr. W. Jones,	no	div.
Hill,	ay	
South Carolina,		
Mr. Mathews,	ay	ay
Bee,	ay	
Kinloch,	ay	
Georgia,		
Mr. Few,	ay	*

So it was resolved in the affirmative.

On the question to agree to the paragraph as amended, the yeas and nays being required by Mr. [Ezekiel] Cornell,

Massachusetts,		
Mr. Ward,	no	*
Rhode Island,		
Mr. Cornell,	no	no
Connecticut,		
Mr. Huntington,	no	no
B. Huntington,	no	
New York,		
Mr. Livingtson,	ay	ay
New Jersey,		
Mr. Fell,	no	no
Houston,	no	
Pennsylvania,		
Mr. McLene,	ay	ay
Muhlenberg,	ay	
Ingersol,	ay	
Maryland,		
Mr. Hanson,	ay	ay
Henry,	ay	
Virginia,		
Mr. Walker,	ay	ay
Bland,	ay	
North Carolina,		
Mr. W. Jones,	no	div.
Hill,	ay	
South Carolina,		
Mr. Mathews,	ay	ay
Bee,	ay	
Kinloch,	ay	

So it was resolved in the affirmative,

Ordered, That the paragraph respecting the pay be recommitted.

On motion of Mr. [Robert R.] Livingston, seconded by Mr. [Samuel] Adams,

Resolved, That four thousand pounds sterling, in bills of exchange, of the bills directed to be drawn on Doctor Franklin now in the Treasury, be immediately sold for continental

money, at the current exchange, notwithstanding any former appropriation thereof.

Resolved, That the State of Pensylvania be informed that Congress will advance one third of the sum necessary for the purchase of one thousand head of cattle, to be immediately forwarded to the army.

A letter, of 5, from Major General Gates was read, enclosing a report from Colonel Williams and a copy of a letter, of 3, from General Gates to General Washington:

Ordered, That the report of Colonel Williams be referred to the Committee of Intelligence.

A letter, of 13, from General Washington was read:[1]

Ordered, That it be referred to the Board of War to take order.

Ordered, That the letter from Major General Gates be referred to a committee of three; and that the committee be instructed to consider what honours are due to the memory of the late Major General the Baron de Kalb, who died of the wounds he received in the battle of Camden, on the 16 of August last.

The members chosen, Mr. [Robert R.] Livingston, Mr. [John] Henry and Mr. [Whitmill] Hill.

The Committee to whom was referred the letter of William Bingham Esqr late Agent for the United States in the West Indies, read the 18th inst, report,

That having conferred with Mr Bingham and taken a general survey of his accounts, they find, that the settlement of them will take up some time.

That as far as appears to your Committee a considerable balance will be due to Mr Bingham, that the immediate payment of part of this balance, by advance, is necessary to enable him to fulfil certain engagements made on behalf of the United States. They therefore submit it to be resolved;

[1] Gates's letter is in the *Papers of the Continental Congress*, No. 154, II, 242; Washington's letter is in No. 152, IX, folio 165.

That the Board of Treasury furnish Mr Bingham as soon as possible with Bills of Exchange on Mr Jay for seven thousand pounds sterling, and charge the same to him in account [1]

The Committee to whom Gov.r Jeffersons letter of the 8th (with its enclosure) was referred Report.

That Congress approve of the principle which induced his Excellency the Gov.r of Virginia to fix a limitation of prices in his instructions for the purchase of Horses to remount Lts Colo. White's and Colo. Baylor's Reg.t of Cavalry. At the same time they are sensible of the pressing necessity which now exists of speedily bringing into the field a body of Cavalry to act with the Southern Army which induces them to request a continuance of his exertions for that purpose without confining the purchasers to such prices in future as may have a tendency to retard the purchase, or be a means of procuring horses insufficient in quantity for the purposes they are intended.

That the Style of L.t Colo. Whites letter of Sept.r 2.d 1780, which was addressed to the Governor of Virginia, is improper and inconsistent with the confidence which ought to be reposed in the Executive of a State, exerting itself for the advancement of the common good, by every means in its power.

Your Committee are of opinion that Congress, did not in their former recommendations think it necessary to affix a standard for the Quality of the Horses intended to remount the aforesaid Cavalry, which might probably have prevented the disagreeable effects arising from recruiting officers rejecting horses furnished for that purpose. But in order to prevent disagreeable altercations on that subject in future, and truly sensible, that the Executive of Virginia have hitherto done the best in their power as far as present circumstances will admit, to obtain proper horses for mounting the Cavalry in question; Therefore Resolve that all the horses hitherto purchased, by order of the said Executive for remounting the Reg.ts aforesaid, and Major Nelson's Corps be appropriated to that purpose, and if on the arrival of the said Horses at the Southern Army, they shall by the Commander of that army be deemed unfit for the service of the Cavalry; That then he order the D.y Q.r M.r Gen.l with that army to receive such horses as shall be so rejected into his Department and exchange them for others fit for the service of Cavalry if he have such in his

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, I, folio 349.

Department, or if otherwise that he immediately provide others in lieu thereof. And it is furthermore the desire of Congress, that no horses furnished for Cavalry service shall be under fourteen hands and one inch in height, and less than five years old, or more than nine, unless the Commander of the Regiment receiving the horses so furnished shall receive them under that size and age, but that in future fourteen hands and an half, and six years old be the Standard fixed by Congress, to which all purchasers be directed to conform in their purchases as nearly as possible.

Your Committee are of opinion, that it will be more conducive to the public good that the detachment of Major Nelson's Corps, now at the Convention Barracks, should still remain on Duty at that station, if agreeable to the Executive of Virginia, and as they did not conceive that Troop to be annexed to the Southern Army, so they do not imagine it came within the perview of Major General Gates's order to Lt. Colo: White.[1]

[Adjourned to 10 o'Clock to Morrow.]

SATURDAY, SEPTEMBER 23, 1780

The delegates from South Carolina having informed Congress that there were good grounds to believe that a number of respectable citizens of South Carolina, prisoners of war by the capitulation of Charlestown, were seized and confined on board a ship of war:

Ordered, That the Commander in Chief send a flag to General Sir Henry Clinton, and enquire whether such arrests and confinements have been made, and for what reasons.

A petition of Cumberland Dugan was read:[2]

Ordered, That it be referred to a committee of three, to consider and report what general provision will be proper on the subject mentioned in the said petition.

The members chosen, Mr. [Theodorick] Bland, Mr. [James] Duane and Mr. [Daniel of St. Thomas] Jenifer.

[1] This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 20, II, folio 253. It is indorsed by Charles Thomson: "Delivered Sept. 22, 1780; read; Sept. 27 recommitted."

[2] This petition, dated 7th September, 1780, is in the *Papers of the Continental Congress*, No. 19, II, folio 179.

A memorial of Robert Morris, merchant, in behalf of himself and others, owners of, and of the officers and seamen belonging to, the schooner *Livingston*, was read; Whereupon,[1]

Resolved, That the said Robert Morris be and hereby is empowered to prosecute, in the name of the United States, but for the benefit of himself and all others interested in the said schooner, and at their expense, the right which the United States may have acquired to a share of a prize made by the said schooner, in consort with two or three other vessels.

A motion being made by Mr. [Robert R.] Livingston, seconded by Mr. [James] Duane for a warrant in favour of the treasurer of the State of New York.

Resolved, that a warrant be granted in favour of the Treasurer of the State of New York for the time being on the Continental Loan officer in the said State for one hundred thousand Dollars, of the money emitted or to be emitted in the said State by virtue of the Act of Congress, passed the 18th day of March last, and payable out of the sum of one hundred and ninety five thousand dollars, equal to four tenths of the whole sum to be emitted by the said State, under the said Act, and which was thereby to be at the disposal of Congress. Provided that nothing in this act contained shall be construed to authorise the said Loan officer to discharge the said warrant or any part thereof out of any monies now in his hands or that may become so, other than such as are or may become issuable as part of the four tenths aforesaid.

Resolved, That the said State be and hereby is authorised to discount the said sum of one hundred thousand dollars in certificates, given by any Continental Officer or Officers for purchases made or services performed in the said State. That the Treasurer of the said State shall deliver all such certificates coming into his possession with the receipts thereon indorsed to the principal officer in the State in whose Department the certificates were given, taking therefor a receipt from the said officer, at the bottom of a schedule of the

[1] This memorial, undated, is in the *Papers of the Continental Congress*, No. 41, VI, folio 195.

said certificates in which shall be specified the dates of the certificates, the names of the persons to whom granted, and the amount of each, specifying also the aggregate amount of the Certificates so delivered, and acknowledging to have received the same from the United States by the hands of the Treasurer of the said State, which receipt countersigned by two credible witnesses and delivered to the said Loan Officer shall be a sufficient voucher for him to pay all or so much of the said one hundred thousand Dollars as such receipts shall amount to. And when the whole warrant is discharged the same shall be delivered by the said Treasurer with a discharge endorsed thereon acknowledging the receipt of the contents.[1]

Ordered, That it be referred to the Board of Treasury, to report thereon as soon as may be.

The committee, to whom was re-committed part of the report on the hospital department, having brought in a farther report, Congress resumed the consideration thereof, and made some progress.

Ordered, That the director general report the names of all the officers in the hospital department from the director to the junior surgeons inclusive, with the dates of their respective commissions.[2]

Congress resumed the consideration of the report on the department of the inspectorship and made some progress.[3]

Adjourned to 10 o'Clock on Monday.

MONDAY, SEPTEMBER 25, 1780

A letter, of 4, one of 5, and one of 10 June, from the honorable J. Adams, were read:[4]

[1] This motion is in the *Papers of the Continental Congress*, No. 36, I, folio 101.

[2] Here were inserted the resolutions on the hospital service, but Thomson noted in the margin "reconsidered and amended 30th." They are printed under September 30, 1780, *post*, where the changes are noted.

[3] A letter of September 3 from George Howell was received by the President of Congress on this day, and is in the *Papers of the Continental Congress*, No. 78, XII, folio 101.

[4] These letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 762, 767, 774.

Ordered, That they be referred to the Committee of Foreign Affairs.

A petition of Captain Rice was read:[1]

Ordered, That it be referred to the Board of War to report specially.

The director general, having made a return of the officers of the hospital;[2]

Ordered, That it be referred to the Medical Committee.

The committee, to whom was re-committed part of the report respecting salaries, brought in a report; Whereupon,

Resolved, That each commissioner of the respective navy boards be allowed the sum of 1500 dollars per annum.

The clerks of the several boards and offices each according to his merit and services, to be determined by the commissioners of the respective boards, not exceeding 500 ~~doll^s^ nor less than 300~~ dollars; and the salary of the clerks of the office of secretary of Congress, to be fixed by the secretary, not exceeding 500 ~~doll^s^ nor less than 300~~ dollars; the salaries so fixed to be reported to Congress, and transmitted to the Board of Treasury; the above salaries to be paid in the same manner as those agreed to the 13 instant.[3]

Congress took into consideration the report of the Board of Treasury on the memorial of Mordecai Sheftall.

Ordered, That the same be re-committed.[4]

Congress took into consideration the report of the committee to whom was referred the consideration of the establishment of the inspecting department; Whereupon,

Congress agreed to the following plan of the inspecting and mustering department:

[1] This petition, dated September 23, 1780, is in the *Papers of the Continental Congress*, No. 42, VI, folio 443.

[2] Dr. Shippen's letter transmitting the return is in the *Papers of the Continental Congress*, No. 78, XX, 567. It is dated September 24, 1780.

[3] This report, in the writing of Timothy Matlack, is in the *Papers of the Continental Congress*, No. 26, folio 205.

[4] From here the entries are in Thomas Edison's hand.

Whereas the institution of this department hath been found of great utility to the armies of the United States: and experience hath shewn that it may be rendered still more useful by an extension of its powers and objects: Therefore

Resolved, That the former establishment by a Resolution of the 18th of February 1779, and all subsequent resolutions relative thereto, be repealed; and the departments hereafter have the following form, powers and priviledges.

There shall be an inspector general with the main army of the United States, to be appointed by Congress, who shall be allowed two secretaries, in addition to the aids he is allowed in the line of the army, to be taken from the line of captains and subalterns, who shall receive, in addition to their pay six dollars per month.

There shall be one assistant inspector general with the main army, who shall be adjutant general for the time being, and shall receive, in addition to his pay, ten dollars per month: and one to every seperate army, when consisting of two or more divisions, who shall be the deputy adjutant general, and shall receive, in addition to his pay eight dollars per month.

There shall be one inspector to each division of the army of the United States, one to the corps of cavalry, and one to the corps of artillery: to be taken when the service will admit, from the line of colonels and lieutenant colonels, who shall be allowed, in addition to their pay, seven and a half dollars per month, and forage for three horses, including what they are intitled to in the line of the army, and one extra ration of provisions, when the state of the magazines will admit.

There shall be one sub-inspector to every brigade in the army of the United States; one to the corps of cavalry, and one to the corps of artillery, if thought necessary by the Commander in Chief, or commanding officer of a seperate army; to be taken from the line of majors in the brigade, when the

service will admit, who shall be allowed, in addition to their pay, five dollars per month, and one extra ration, when the state of the magazines will admit.

The Commander in Chief, and commanding officer of a seperate army, are hereby empowered to appoint inspectors and sub-inspectors to the militia, while in actual service, agreeable to the foregoing plan, who shall have the same powers, priviledges and emoluments, as those serving with the continental army.

It shall be the duty of the inspector general to frame a system of regulations for the exercise and discipline of the troops, in the manual evolutions and manœuvres, for the service of guards and detachments, and for all camp and garrison duty, and if approved of by the Commander in Chief, and ratified by Congress, such regulations shall be enforced, by the orders of the Commander in Chief throughout the army.

The assistant inspectors general shall assist in the general duties of the department, agreeable to the directions they shall receive from the inspector general (through the order of the Commander in Chief) and when the inspector is not present, shall have the chief direction of the same, agreeable to the orders they may receive as aforesaid; they shall nevertheless continue to perform their duties of adjutant and deputy adjutant general.

The inspectors shall attend to the execution of the regulations established for the army in their respective divisions, and in such garrisons as they may be ordered by the inspector general or assistant inspector general; at all times performing the duty of adjutant general to the same; and when a detachment of more than one division is sent from the army, the eldest inspector of the marching troops shall act as adjutant general to the detachment.

The sub-inspectors shall do the duty of majors of brigade to the brigades to which they belong, and attend to the execution of the regulations established for the army, in their respective brigades, and such garrisons, detachments and independent corps, as they shall be ordered by the inspector general, or assistant inspector general with a seperate army.

The inspector general and the assistant inspector general shall review and muster the troops, in service, once every month, at which review he or they shall inspect the number and condition of the men, their discipline, the state of their clothes, arms, accoutrements, and camp equipage; the number of rations they have drawn since the last review; reporting such soldiers and recruits as are unfit for service, to the major general or commander of the division, the brigadier or commander of a regiment detached from the division or brigade to which such disabled soldier may belong; to be by them, or either of them, discharged, or transferred to the corps of invalids, if, on the examination of the surgeon of the regiment, they shall be found unfit for further service in the field. But no such soldier shall be deemed legally discharged or transferred, except his discharge or transference is signed by the major general, brigadier or commandant as aforesaid, and a certificate of his inability, specifying the nature of it, signed by the surgeon, is annexed thereto; noting at the same time all alterations that have happened since the last review or muster, and, as far as possible, in what manner, reporting them with the deficiencies, neglects and abuses, to the Commander in Chief, or commanding officer present, and the Board of War.

At every muster, three rolls shall be made out by the commanding officer of each troop or company, signed and sworn to by him, one of which rolls shall be returned to him, certified by the mustering officer; one shall be retained by the

mustering officer; the other shall be certified and delivered to the regimental paymaster, to be affixed to the payrolls.

Each brigade shall be mustered by its sub-inspector, under the superintendency of the inspector of the division, who shall be responsible, with the sub-inspector, for the exactness and fidelity of the musters; and in like manner, all garrisons, independent corps and detachments, shall be mustered by such inspectors or sub-inspectors, as the inspector general, or assistant inspector general with a seperate army, shall order.

The sub-inspectors shall deliver an abstract of all such musters, regimentally digested, to the inspector of the division, who shall digest them into division abstracts, in the same form, and transmit them to the assistant inspectors general, to be by them transmitted to the inspector general, and in a seperate army to the commanding officer.

The inspector general shall transmit, once every month, a copy of the abstract of the musters of the whole army, to the Commander in Chief, and another to the Board of War.

No commanding officer of a regiment shall muster the regiment he commands, but another inspector shall be ordered to do that duty, by the inspector general.

The assistant inspector in a seperate army, shall do the same duties in that army, as the inspector general doth in the main army, respecting the musters, according to the directions he shall receive, and orders of the commanding officer.

The commissary of issues shall be obliged to deliver to the inspector general, and assistant inspector with a seperate army, an abstract, by brigades, of the rations actually issued, and of all issues to all seperate corps, garrisons and detachments.

All muster rolls shall be sworn to before a general officer, or commandant of a seperate post or detachment, who are

hereby empowered to administer the oath, and certify it on each muster roll, in the words following, to wit: "I, A. B. do swear that this muster roll is a true state of the company under my command, without fraud to the United States, or to any individual, according to the best of my knowledge.

"A. B. capt. lieut. ensign, or cornet command't.

"Sworn before me, this day of 17 ."

The mustering officers are empowered and directed to require from all the officers whose troops are mustered, all papers and vouchers relative to the inlistments and musters.

The inspectors shall keep accounts with the officers commanding regiments, of all the arms and accoutrements delivered their regiments, and returned in by them. No arms or accoutrements shall be delivered without an order from the inspector of the division, to whom returns for arms and accoutrements wanted shall be made, in the form directed in the resolution for the order and discipline of the troops of these United States.

All officers of the inspectorship shall retain their rights of command and promotion, in the same manner as if they had not assumed the office. They are to suspend the exercise of their respective commands, except when they happen to be the superior in the division, brigade or regiment, to which they belong, or when they are appointed to execute any particular service by the Commander in Chief, or commanding officer of a seperate army; and are exempt from all common camp and garrison duty, that they may attend to that of the inspection, as well in time of action as at all other times.

The inspector general, as often as the Commander in Chief shall think fit to order, shall visit every part of the army, and review the same, to see that uniformity prevails throughout the armies of these United States.

The inspector general shall keep books in which the returns, &c. passing through his office, shall be registered. He shall

be charged with collecting, into one or more volumes, all the resolves of Congress, and regulations of the Board of War, relative to the army.

The travelling and other incidental expences for the execution of the business of the office, shall be settled by the auditors with the army, upon such principles as shall be established by the Commander in Chief, and paid out of the military chest.

The quarter master general shall furnish all necessary books, paper, &c. for the department.

Each inspector shall be allowed, when the circumstances of the army will permit, a marquee and common tent: each sub-inspector a horseman's and common tent, if not provided for as officers in the line.

All the regulations respecting the objects of this department, shall be finally approved and established by Congress; but, the exigency of the service requiring it, temporary ones may, from time to time, be introduced by the inspector general, with the approbation of the Commander in Chief, and transmitted to the Board of War within one month after their introduction; that being examined and reported to Congress by them, they may be rejected, altered, amended or confirmed, as Congress shall deem proper.

Resolved, That Baron Steuben be, and hereby is, continued inspector general of the armies of the United States, and vested with power to appoint all officers necessary to carry the aforegoing plan into execution, they being first approved of by the Commander in Chief.[1]

Resolved, That the assistant inspector be allowed four hundred dollars per month, of the old emission, in addition to his pay as adjutant general, from the first day of February last, to the first day of October next: the inspectors shall be allowed, from the first day of February last to the first day of Octo-

[1] This report is in the *Papers of the Continental Congress*, No. 22, folios 91–98.

ber next, three hundred dollars per month, of the old emission, and the sub-inspectors shall be allowed two hundred dollars per month, of the old emission, from the first day of February aforesaid to the first day of October next, in addition to the pay and subsistance to which they are entitled by their respective ranks.[1]

The committee to whom were referred the letter of 12 May, from Mr. W. Glascock, and the memorial of Mr. [George] Walton, report:

"That, in the course of their enquiry respecting the business committed to them, they have conferred with his excellency Richard Howly, the present governor of Georgia, and been attended by Mr. George Seegar, clerk of the general assembly of the said state, and have obtained from each of them a state of facts to which they beg leave to refer: that it appears that the paper containing the paragraph respecting Brigadier General M'Intosh, and dated at Augusta, in the State of Georgia, the 30 day of November, 1779, and purporting in general to be a letter or address from the assembly of that state to Congress, did originate in and ought to be considered as an act declarative of the sense of the said assembly; and that the same was officially transmitted with other public papers, by Colonel Walton, then governor of that state, to the President of Congress, and, together with the proceedings of the said governor and council, contained a sufficient ground for the act of Congress of the 15 day of February last, for dispensing with the services of the said Brigadier Gen. M'Intosh, until the farther order of Congress."[2]

Resolved, That Congress agree to the said report.

Ordered, That a copy of the above report, and of the papers referred to, be transmitted to the governor of Georgia.

[1] Here Thomson resumes the entries.

[2] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, II, folio 419.

On motion of Mr. [Thomas] Bee, seconded by Mr. [John] Mathews,

Resolved, That two-thirds of the bills ordered by the resolution of the 23 August last to be sold for specie, for the relief of prisoners of war, be now disposed of under the directions of the Board of War, for such necessary articles of clothing or provisions as may, in their opinion, best conduce to supply, in some measure, their present wants.

Congress took into consideration the report of the Committee on the Post office; Whereupon,

Ordered, That a warrant issue in favour of Richard Bache, postmaster general, on Nathaniel Appleton, commissioner of the continental loan office in the State of Massachusetts Bay, for three thousand dollars in bills of credit emitted pursuant to the act of Congress, of the 18 of March last; and that another warrant on the treasurer for twenty thousand dollars continental bills of the former emission, for the use of his department; and for which the said Richard Bache is to be accountable.[1]

The committee to whom was referred the motion of Mr. [Samuel] Adams, delivered in a report.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, SEPTEMBER 26, 1780

A letter, of 21, from Monsr du Buisson was read:

Ordered, That it be referred to the Board of War,

A representation of James Davidson and James Cannon was read:

Ordered, That it be referred to the Board of Admiralty to report specially.

A petition of William E. Godfrey and a memorial of the united Ilionois and Wabash land companies, were read:[2]

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress,* No. 61, folio 481.

[2] Godfrey's petition, dated September 25, 1780, is in the *Papers of the Continental Congress,* No. 42, III, 220.

A report from the Board of War was read; Whereupon,

Resolved, That the resignation of Lieutenants George Sexton and Benjamin Butterfield and Ensign Reuben Church, of Colonel Warner's regiment, be accepted.[1]

A report from the Board of War was read, respecting Mr. Garanger.

War Office *Sept 26, 1780*

Sir

In pursuance of the directions of Congress contained in their Resolution of the 10th June 1779 Monsr Garanger proceeded to camp and has remained there in order to exhibit proofs of his capacity as a Bombardier and Artillerist, but as he alledges, he has not had an opportunity of evincing his "talents and merit" owing to a scarcity of powder and it being thought best by the Com. in Chief and General Knox to wait for the siege of some fortified place that the public service and the proof required might be carried on at the same expenditure of ammunition. Monsr Garanger expresses much uneasiness at his situation and is now at Philadelphia desirous of returning to the army and wants money to bear his expences on the journey; but as he is not in the service and except his being a probationer may be considered as entitling him to some allowance, the Board do not think themselves authorized to grant his request as to money nor can we report finally on his case until he produces the certificate required in the above mentioned resolution. We therefore are under the necessity of troubling Congress with a state of the matter, that if they are of opinion Monsr Garanger should receive a sum of money they may be pleased to direct,

That a Warrant issue on the Treasurer in favor of Monsr Garanger for five thousand dollars to enable him to bear his expences during his stay in Philadelphia and on his journey to camp.[2]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Fell, Mr. [Ezekiel] Cornell and Mr. [Artemas] Ward.

Mr. [Theodorick] Bland laid before Congress a letter, of the 4, from John Timberlake, which was read:

[1] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 571.

[2] This report is in the *Papers of the Continental Congress.* No. 147, IV, folio 567.

Ordered, That it be referred to the Board of War.

A letter, of this day, from Luke Knoulton, and a remonstrance of Ira Allen and Stephen R. Bradley, were read.[1]

The Board of War, to whom was referred the petition of Captain Rice, for leave of absence to go to sea, in order to enable him to continue in the service, or if that cannot be obtained, to have leave to resign, report,

That they are fully sensible of the merit and services of Captain Rice, and are well assured he has injured his circumstances considerably in the service; yet the granting his request for leave of absence to go to sea, would introduce such a number of similar applications, and would also create such embarrassments about the exchange, in case of a capture, that the Board think it would be best to reject the practice in the first instance:[2]

Resolved, That Congress agree to the said report:

Resolved, That the resignation of Captain Joseph Rice, of the 4th regiment of artillery, be accepted.

Resolved, That the order of the day respecting the jurisdiction of the tract of country commonly called the New Hampshire Grants be postponed to 6 o'Clock.

Congress took into consideration the report of the committee on the motion of Mr. [Samuel] Adams;

The Committee to whom was referred the motion of Mr Adams, Report that,

Whereas her Imperial Majesty of all the Russias, animated with the clearest sentiments of Justice, equity and moderation, and a strict regard to the unquestionable rights of neutrality and the most perfect freedom of Commerce that can consist with such neutrality has notified both to the belligerent and neutral Powers, the following propositions to which his Most Christian Majesty, the Illustrious ally

[1] Timberlake's letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 423; that of Knoulton in No. 40, I, folio 571; Allen and Bradley's remonstrance, dated September 22, on folio 575.

[2] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 575.

of these United States and his Catholic Majesty two of the Belligerent Powers, and most of the neutral maritime Powers in Europe have acceded, to wit:

1. That Neutral vessels may sail, without being liable to molestation from port to port and along the coasts of nations at war.

2. That the effects belonging to the subjects of powers at war should be free in neutral vessels, excepting only contraband.

3. That in ascertaining what shall be deemed *contraband* the Empress will hold herself bound by that which is declared in the 10 and 11 articles of her Treaty of Commerce with Great Britain, and extend the obligations contained in those articles to all the powers at war.

4. That to determine when a port shall be said to be *blocked up*, this term shall only be applied to that where a sufficient number of vessels belonging to the power that invests it are stationed so near as evidently to render the entrance into it hazardous.

5. That the principles above stated ought to serve as a rule in all proceedings whenever there is a question concerning the legality of captures.

The Congress of the United States of America willing to testify their moderation and regard to the rights of neutrality and freedom of commerce, as well as their respect for the powers and potentates who have adopted the propositions aforesaid have

Resolved, That all Neutral vessels have by the Law of Nations a right to navigate freely to and from the ports and on the coasts of powers at war, when not prohibited by treaty or municipal law.

That in the cases aforesaid the effects of belligerent powers, or belonging to their subjects shall be free in neutral vessels except always contraband. That the term contraband be confined to those articles expressly declared such by the ——— article of the Treaty of amity and Commerce of the 6th day of February 1778 between his Most Christian Majesty and these United States.

That with regard to ports or places blocked up or closely invested, none shall be considered as such but those which by a siege or blockade are so closely invested that an attempt cannot be made to enter such ports or places without evident danger.

That the above principles serve as a rule in all proceedings of justice in the United States on all questions of capture.

That all captains and commanders of armed vessels whether public and of war or private holding commissions from and under the United States of America in Congress assembled be and hereby are strictly enjoined and required to observe the propositions above stated as a rule of conduct and govern themselves accordingly, and that the Board of Admiralty in the Instructions which they may give, and the Maritime Courts or Courts of Admiralty of the several states, and the Court of Appeals in the Cases of Captures in their several proceedings and adjudications concerning the legality of captures determine and decide agreeably to the principles aforesaid.

Ordered that the Committee of Foreign affairs transmit copies of the above act to the Minister Plenipotentiary of these States at the Court of Versailles to be by him communicated to the Neutral Powers in Europe and others whom it may concern.[1]

and on the question, the same was postponed; and a motion was made by Mr. [Robert R.] Livingston, seconded by Mr. [John] Mathews in the following terms:

Congress have considered the declaration of the Empress of all the Russias, relative to the rights of neutral vessels. The regulations it contains are useful, wise and just. The acts of a sovereign who promotes the happiness of her subjects and extends her views to the welfare of nations, who forms laws for a vast empire and corrects the great code of the world, claim the earliest attention of a rising republick; therefore,

Resolved, That the Board of Admiralty report instructions for the commanders of armed vessels commissioned by the United States, conformable to the principles contained in the said declaration.

Resolved, That copies of the above resolution be transmitted to the Ministers of the United States respectively, and to Monsr de Marbois, chargé des affaires, from his Most Christian Majesty.

[1] This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 25, I, folio 337.

A motion was made by Mr. [Timothy] Matlack, seconded by Mr. [Roger] Sherman, that the foregoing motion be committed; and on the question, the yeas and nays being required by Mr. [Robert R.] Livingston,

Massachusetts Bay,		
Mr. Adams,	ay	ay
Ward,	ay	
Rhode Island,		
Mr. Cornell,	ay	ay
New York,		
Mr. Livingston,	no	no
Connecticut,		
Mr. Huntington,	no	ay
Sherman,	ay	
B. Huntington,	ay	
New Jersey,		
Mr. Houston,	ay	*
Pennsylvania,		
Mr. McLene,	ay	ay
Muhlenberg,	ay	
Matlack,	ay	
Maryland,		
Mr. Plater,	no	ay
Jenifer,	ay	
Hanson,	ay	
Virginia,		
Mr. Madison,	no	no
Bland,	no	
Walker,	ay	
North Carolina,		
Mr. Jones,	ay	div.
Hill,	no	
South Carolina,		
Mr. Mathews,	no	no
Bee,	no	
Kinloch,	ay	

So it was resolved in the affirmative.

Resolved, That the committee consist of three:

The members chosen, Mr. [Samuel] Adams, Mr. [Robert R.] Livingston and Mr. [Theodorick] Bland.

Ordered, That the report of the committee on Mr. [Samuel] Adams' motion, which was postponed, and a motion of Mr. [Theodorick] Bland, be referred to the said committee.

A letter, of 24, from Major General Greene was read.[1]

SIX O'CLOCK P. M.

Congress met, but the agent for New Hampshire being thro indisposition unable to attend,

[1] This letter is in the *Papers of the Continental Congress,* No. 155, I, folio 435.

Ordered, That the order of the day be postponed till to morrow, and taken up immediately after reading the journal.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, SEPTEMBER 27, 1780

A letter, of 25, from Major General Greene was read.[1]

A memorial signed William Trent and stiled, "The memorial of the proprietors of tracts of land called Indiana and Vandalia" was read.

Congress proceeded in the order of the day respecting the jurisdiction of the tract of country commonly called the New Hampshire Grants, all the parties being present except Ira Allen and Stephen R. Bradley, who being duly notified, declined to attend, when the agent for the State of New Hampshire proceeded to state evidence tending to prove, that the tract of country known by the name of the New Hampshire Grants, was within the State of New Hampshire, and that therefore the people inhabiting the said tract of country, have no right to a seperate and independent jurisdiction. The gentlemen appearing in behalf of sundry inhabitants of the said Grants having nothing to add, and pressing Congress to come to a determination, withdrew.

Resolved, That the farther consideration of the subject be postponed.

The committee to whom were referred the letters from John Magnall, delivered in a report which was read; Whereupon,

Resolved, That copies of the said letters attested by the secretary of Congress, be sent to the honorable Mr. Jay, minister plenipotentiary of these United States at the Court of Madrid; and that he be instructed to endeavour to obtain, for the captors of the *Dover* cutter, the benefit intended by

[1] This letter is in the *Papers of the Continental Congress,* No. 155, I, folio 439; the enclosure is on folio 443.

the resolve, passed in Congress on the 14th day of October, 1777, respecting vessels belonging to British subjects, seized and brought into any of the ports or harbours of these United States, by the master or mariners, and that he be informed it is the wish of Congress that the whole profit of the capture be divided among the captors.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. [Roger] Sherman, one of the delegates for the State of Connecticut, a warrant issue on the treasurer in his favour, for seven thousand dollars, for which the said State is to be accountable.[1]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, SEPTEMBER 28, 1780

A motion was made by Mr. [John] Henry, seconded by Mr. [Theodorick] Bland, That the rule laid down in the Articles of Confederation respecting the election of the President of Congress be henceforward observed.

On a motion by Mr. [Samuel] Adams, seconded by Mr. [Timothy] Matlack, that it be postponed, the yeas and nays being required by Mr. [John] Mathews,

New Hampshire,		
Mr. Sullivan,	ay	ay
Massachusetts Bay,		
Mr. Adams,	ay	ay
Lovell,	ay	
Ward,	ay	
Rhode Island,		
Mr. Cornell,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
B. Huntington,	ay	
New York,		
Mr. Livingston,	ay	ay
New Jersey,		
Mr. Fell,	ay	div.
Houston,	no	
Pennsylvania,		
Mr. Muhlenberg,	ay	ay
Matlack,	ay	
Ingersol,	ay	
Maryland,		
Mr. Plater,	no	no
Hanson,	ay	
Henry,	no	

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 595.

Virginia,		
Mr. Madison,	ay	no
Walker,	no	
Bland,	no	
North Carolina,		
Mr. W. Jones,	ay	ay
Hill,	ay	
South Carolina,		
Mr. Mathews,	no	no
Bee,	no	
Kinloch,	no	
[*Georgia*],		
Mr. Few,	no	no
Howly,	no	

So it passed in the affirmative and the motion was postponed.

A motion was then made by Mr. [James] Lovell, seconded by Mr. [Robert R.] Livingston, in the words following:

The President having informed Congress that one year was elapsed since his election,

Resolved, That no rule or practice of the house limits the term for which the President is elected.

On the question to agree to this, the yeas and nays being required by Mr. [John] Mathews,

Massachusetts Bay,		
Mr. Adams,	ay	ay
Lovell,	ay	
Ward,	ay	
Rhode Island,		
Mr. Cornell,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
B. Huntington,	ay	
New York,		
Mr. Livingston,	ay	ay
New Jersey,		
Mr. Fell,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. McLene,	ay	ay
Muhlenberg,	ay	
Matlack,	ay	
Ingersol,	ay	
Maryland,		
Mr. Plater,	ay	ay
Hanson,	ay	
Henry,	ay	
Virginia,		
Mr. Madison,	ay	ay
Walker,	ay	
Bland,	ay	
North Carolina,		
Mr. W. Jones,	ay	ay
Hill,	ay	
South Carolina,		
Mr. Mathews,	ay	ay
Bee,	ay	
Georgia,		
Mr. Few,	ay	[ay]
Howly,	ay	

So it was resolved in the affirmative.

Resolved, That the continuance of the President in office shall not be longer than one year from this day, and that all future elections shall be agreeable to the rule marked out by the Confederation.

The Board of War, to whom was referred the memorial of Richard Varick, delivered in a report; Whereupon,

Resolved, That Richard Varick, Esquire, be informed that Congress are sensible of his good conduct and services in the several employments he has held during the present war, but that the circumstances of the army will not admit of a compliance with the request contained in his memorial.[1]

The Medical Committee, to whom was referred the return made by Doctor Shippen, delivered in a report.

The committee, to whom were referred the letters from General Washington, delivered in a farther report.

Mr. [Timothy] Matlack laid before Congress a copy of a letter, dated July 18, 1778, signed John R. Livingston, and a copy of an agreement signed John R. Livingston and B. Arnold, which were read, and contain a plan for purchasing at that time a quantity of goods in New York on a prospect that in the course of a few months that city would again fall into the possession of the Americans.

Ordered, That copies thereof be transmitted ~~to the governor of New Jersey and~~ to the governor of New York.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, SEPTEMBER 29, 1780

A letter, of 28, from Mr. Malmedy was read:[2]

Ordered, That it be referred to the Board of War to take order.

A letter, of 22 July, from Governor Galvez was read:

Ordered, That it be referred to a committee of three:

[1] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 581.

[2] This letter is in the *Papers of the Continental Congress,* No. 78, XVI, folio 85.

The members chosen, Mr. [John] Fell, Mr. [Timothy] Matlack and Mr. [James] Duane.

A petition from Yeaton and Pike of the *Ranger* was read:

Ordered, That it be referred to the Board of Admiralty.

A petition of Captain Ebenezer Sullivan was read: [1]

Ordered, That it be referred to the Board of Treasury.

A petition of Nathan Bush was read:

Ordered, That it be referred to the Board of Admiralty.

A letter, of 28, from P. Olcot was read.[2]

The Board of War, to whom was referred the memorial of Colonel White, delivered in a report; Whereupon,

Resolved, That until a permanent arrangement of the army can be accomplished, the commanding officer of the southern army be authorized to form into proper corps, under the command of the officers of the States of South Carolina and Georgia, who are now at liberty to act, such of the non-commissioned officers and soldiers of those states as are or can be collected; the said non-commissioned officers and soldiers to share the benefit of all supplies of pay and cloathing and necessaries, equally with the troops of other states.

Ordered, That Colonel White's accounts against the United States be referred to the Board of Treasury.[3]

The committee, to whom the report of the Board of War on Mr Garanger's request was referred, delivered in a report, which was read; Whereupon,

Resolved, That Monsr Garanger be informed that Congress cannot employ him consistent with the present arrangement of the army.

That all the papers relative to Monsr Garanger's services and wages be referred to the Board of Treasury to be liqui-

[1] This petition, dated August 31, 1780, is in the *Papers of the Continental Congress,* No. 42, VII, folio 89.

[2] This letter is in the *Papers of the Continental Congress,* No. 78, XVII, folio 297.

[3] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 577.

dated, and that the Board report the ballance due to him, taking care to charge him with the sums that have been advanced by Congress and at camp.[1]

The Board of Treasury, to whom was referred the motion of the delegates of New York, for the relief of the treasury of that State, delivered in a report, which being read,

Ordered, That the motion be referred to a committee of three:

The members chosen, Mr. [Roger] Sherman, Mr. [Timothy] Matlack and Mr. [James] Duane.

Ordered, That the Board of Treasury lay before Congress a state of the debts of the United States.

Ordered, That the consideration of the report of the committee on the instructions to the delegates of Virginia and extract from Mr. Jay's letter, of 26 May last, be assigned for Wednesday next.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *Septr. 27. 1780*

The Board of Treasury beg leave to report

Information

That they have considered the motion of the Delegates for the State of New York, referred to them by Congress and are of opinion that the intention of the said motion is fully provided for by a resolution of Congress of the 26th of August last

That they have considered the petition of Chas. McCarthy referred to them and conceive the petitioner to be in the same predicament with other holders of Genl Lincoln's Bills: but that if any preference in the payment of the said bills be given they conceive it should be in favor of those whose distresses truly claim the indulgence; the Board therefore submit the following Resolution

Ordered, That a warrant issue on the treasurer, in favour of Charles McCarthy, for twenty thousand one hundred and sixty six dollars, in full payment of the principal and

[1] This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 19, II, folio 377.

interest of a set of exchange, drawn by Major General Lincoln on the President of Congress, for twenty thousand dollars, for which sum of twenty thousand dollars, the said Major General Lincoln is to be accountable.

That on the application of Ephraim Blaine, commissary general of purchases, on an estimate ~~of the cost of 11,000 beef barrels~~ approved by the Board of War, a warrant issue on Joseph Borden, commissioner of the continental loan office for the State of New Jersey, in favour of the said Ephraim Blaine, for eleven thousand six hundred and sixty six dollars, payable in the bills of credit subject to the orders of Congress on their resolution, of the 18th March last, and for which the said Ephraim Blaine is to be accountable.

That on the application of Whitmill Hill, a delegate for the State of North Carolina, a warrant issue on the treasurer in his favour, for ten thousand dollars, for which the said State is to be accountable.[1]

The committee, to whom was referred the petition of Cumberland Dugan, and the committee to whom was recommitted their report on Governor Jefferson's letter, of September 8, delivered in their several reports.

The Committee to whom was referred the Petition of Cumberland Dugan, to consider and report what General Provision will be proper on the subject mentioned in the said petition, report

Whereas, several of the Citizens of these United States, entitled to property within the Dominions of the King of Great Britain beyond sea, have petitioned Congress for Passports to enable them to transfer the same to these United States, and

Whereas, it is highly necessary that the provisions against illicit trade should be inviolably maintained, and that the frauds and mischiefs which might arise from the abuse of such passports should be guarded against and prevented,

Resolved, therefore, that no passport or document for the transfer or removal of property, under the description aforesaid, into any

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 599.

of these United States from the Dominions of the King of Great Britain beyond sea shall be granted by the authority of Congress, during the continuance of the War with the said King, unless the owner of such property shall prefer with his petition for a passport a testimonial or certificate endorsed thereon from the Supreme Executive Authority and under the seal of the State where such petitioner may reside, to the following purport (viz)

By (inserting the Stile of the Supreme Executive)
To all to whom these presents shall come, Greeting
Know ye that.....of.....named in the annexed petition hath resided for upwards of....at.....in the state of....

That he hath taken the Oath of Allegiance or fidelity to (one of these States) and is reputed a friend to the present Happy Revolution

That he hath before (me or us) duly sworn (or affirmed) that the contents of his annexed petition are true, and that in removing or transferring his property from the Dominions of the King of Great Britain (or other place occupied by his troops) he will not directly nor indirectly engage in any connection or trade with the subjects of the said King but what shall be necessary for the transfer or removal of his property, agreeably to the prayer of his petition or permitted by the acts or provisions of the United States, nor do or willingly suffer any act or thing or give any information or advice which may tend to the prejudice of the United States or any of them, but will bona fide and without fraud or any sinister practice to the prejudice of these States make use of the Permission which may be granted him in the Premises according to the true intent and meaning thereof, and it is further required and shall so be certified in the said testimonial that the petitioner hath entered into Bond to the President of Congress and his successors in office for the time being in double the sum which he shall attest to be the value of his property intended to be removed, and with condition that he will faithfully perform the engagement set forth in his oath or affirmation according to the best of his power; and, lastly, it shall be certified by the said testimonial that such affidavit or affirmation and bond are lodged for the use of Congress in the secretary's office of the State wherein the Petitioner resides.

Resolved, That the Board of Admiralty be and they are hereby authorized upon the production of such petition and testimonial, in

any case ex officio to grant the necessary Passports and Documents for the honesty of the petitioner and the protection of his property.[1]

On motion of Mr. [Timothy] Matlack, seconded by Mr. [William Churchill] Houston,

Resolved, That it be recommended to the states respectively to supply their delegates with money for their support by other means than drawing on the treasury of the United States, except only such cases as may render that mode indispensibly necessary.[2]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, SEPTEMBER 30, 1780

A letter, of the 26th, from Gen. Washington, was read, confirming the account given in the letter of the 25, from Major General Greene, of the treasonable practices of Major General Benedict Arnold, and his desertion to the enemy.[3]

Resolved, That the order of the day respecting the jurisdiction of the tract of country called the New Hampshire Grants be postponed till 6 o'Clock P. M. on Monday next.

Congress resumed the consideration of the report on the hospital department, when a motion was made by Mr. [Roger] Sherman, seconded by Mr. [Nicholas] Van Dyke, to reconsider that part of the report, viz. "That the several officers whose pay is established, except the stewards and ward masters, be intitled to half pay, in the same manner and under like restrictions as officers of the line;"

And on the question for reconsideration, the yeas and nays being required by Mr. [Roger] Sherman,

[1] This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress,* No. 19, II, folio 177.

[2] This resolve was also entered in the manuscript Secret (Domestic) Journal.

[3] Washington's letter is in the *Papers of the Continental Congress,* No. 152, IX, folio 199. It is printed in the *Writings of Washington* (Ford), VIII, 455.

New Hampshire,		
Mr. Sullivan,	ay	ay
Massachusetts Bay,		
Mr. Adams,	ay	ay
Ward,	ay	
Rhode Island,		
Mr. Cornell,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
B. Huntington,	ay	
New York,		
Mr. Scott,	excused	
New Jersey,		
Mr. Fell,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. McLene,	ay	ay
Muhlenberg,	no	
Matlack,	ay	
Delaware,		
Mr. Van Dyke,	ay	ay
Maryland,		
Mr. Plater,	ay	ay
Hanson,	ay	
Virginia,		
Mr. Madison,	ay	no
Walker,	no	
Bland,	no	
North Carolina,		
Mr. Jones,	ay	*
South Carolina,		
Mr. Mathews,	no	no
Georgia,		
Mr. Few,	ay	div.
Howly,	no	

So it was resolved in the affirmative.

A motion was made by Mr. [John] Fell, seconded by Mr. [William Churchill] Houston, to strike out the words, "half pay in the same manner and under like restrictions as officers of the line."

And on the question shall those words stand, the yeas and nays being required by Mr. [Roger] Sherman,

New Hampshire,		
Mr. Sullivan,	no	no
Massachusetts,		
Mr. Adams,	excused	[no]
Ward,	no	
Rhode Island,		
Mr. Cornell,	no	no
Connecticut,		
Mr. Sherman,	no	no
B. Huntington,	no	
New York,		
Mr. Scott,	excused	
New Jersey,		
Mr. Fell,	no	no
Houston,	no	
Pennsylvania,		
Mr. McLene,	no	no
Muhlenberg,	ay	
Matlack,	no	

Delaware,		
Mr. Van Dyke,	no	no
Maryland,		
Mr. Plater,	no	no
Hanson,	no	
Virginia,		
Mr. Madison,	ay	ay
Walker,	ay	
Bland,	ay	
North Carolina,		
Mr. Jones,	no	*
South Carolina,		
Mr. Mathews,	ay	ay
Georgia,		
Mr. Few,	ay	ay
Howly,	ay	

So it passed in the negative and the words were struck out.

Congress proceeded in the consideration of the report, and the same being amended, was agreed to, as follows:[1]

Whereas, the late regulations for conducting the affairs of the general hospital are in many respects defective; and it is necessary that the same be revised and amended, in order that the sick and wounded may be properly provided for and attended, and the business of the hospitals conducted with regularity and œconomy; therefore,

Resolved, That there be one director of the military hospitals, who shall have the general direction and superintendance of all the hospitals to the northward of North Carolina; that, within the aforesaid limits, there be three chief hospital physicians, who shall also be surgeons; one chief physician, who shall also be a surgeon, to each seperate army; fifteen hospital physicians, who shall also be surgeons; twenty surgeons mates for the hospitals: one purveyor, with one assistant; one apothecary; one assistant apothecary; and to each hospital ~~one clerk who shall also be paymaster,~~ a steward, matron, orderly men and nurses, as heretofore:

That the director, or, in his absence, one of the chief hospital physicians, be empowered and required, with the advice and consent of the Commander in Chief, or commander of a

[1] From here the entries are in Thomas Edison's writing.

seperate army, to establish and regulate such a number of hospitals, at proper places, for the reception of the sick and wounded of the army, as may be found necessary:

That the director be authorised and instructed to enjoin the several chief hospital physicians, and other officers of the hospitals under his superintendance, to attend at such posts or stations as he may judge proper, and also to attend and perform such duties, at any post or place, as a change of the position of the army, or other circumstances, may from time to time make necessary, and shall be required by the Commander in Chief; and that, in case of any dispute concerning their seniority or precedence, the director shall determine the same in the first instance, the party supposing himself aggrieved being at liberty to appeal for redress to the Medical Committee:

That in time of action, and on any other emergency, when the regimental surgeons are not sufficient in number to attend properly to the sick and wounded that cannot be removed to the hospitals, the director, or, in his absence, the nearest chief hospital physician, be empowered and required, upon request of the chief physician and surgeon of the army, to send from the hospitals under his care, to the assistance of such sick and wounded, as many surgeons as can possibly be spared from the necessary business of the hospitals:

That the director, or, in his absence, two of the chief hospital physicians, shall make out and deliver, from time to time, to the purveyor, proper estimates of hospital stores, medicines, instruments, dressings, and such other articles as may be judged necessary for the use of the hospitals; also direct the apothecary or his assistant, to prepare and deliver medicines, instruments, dressings, and other articles in his possession to the hospitals and surgeons of the army and navy, as he or they may judge necessary:

That the director authorise and instruct the purveyor and apothecary to supply, for the use of the regimental surgeons, such medicines and refreshments as may be proper for the relief of the sick and wounded, before their removal to a general hospital, and to be dispensed under the care, and at the direction of the chief physician of the army:

That the director, or, in his absence, the chief hospital physicians, respectively, be empowered occasionally to employ second mates, when the number of the sick shall increase so as to make it necessary, and to discharge them as soon as the circumstances of the sick will admit:

That the director, or, in his absence, the chief hospital physicians, respectively, shall appoint a ward master for each hospital, to receive the spare regimental cloathing, arms, and accoutrements of each soldier admitted therein, keeping entries of and giving receipts for every article received, which, when the soldier shall be discharged, shall be accounted for by the said ward master with the commanding officer of the regiment to which such soldier belonged, or the officer directed to take charge of the convalescents from the said hospital; or, in case of the death of the soldier, shall be accounted for with, and delivered to the quartermaster of the regiment to which the said soldier belonged; and the ward master shall receive and be accountable for the hospital cloathing, and perform such other services as the chief hospital physician shall direct.

That the director shall make returns of all the sick and wounded in the hospitals, once every month, to the medical committee, together with the names and ranks of all the officers and others employed in the several hospitals:

That the director be required to employ such part of his time as may be spared from the duties before pointed out to him, in visiting and prescribing for the sick and wounded

of the hospitals; and that he pay particular attention to the conduct of the several officers in the hospital department, and arrest, suspend and bring to trial, all delinquents within the same:

That the duty of the chief hospital physicians shall be, to do and perform all the duties herein before enjoined them to do in the absence of the director; to receive and obey the orders of the director, made and delivered to them in writing, to superintend the practice of physick and surgery in the hospitals put under their particular care by the director, or which, by the order of the commander in chief or the commander of a seperate army, may be by them established; to see that the hospital physicians and other officers attending the same, do their duty; and make monthly returns to the director, of the state and number of the sick and wounded in the hospitals under their care; and also make returns to the director, and to the medical committee, of all delinquent officers, in order that they may be speedily removed or punished; and to take measures that all such sick and wounded as are recovered and fit for duty be delivered weekly to the officer of the guard, to be conducted to the army: when present at any hospital, to issue orders to the proper officers for supplying them with necessaries; and generally, in the absence of the director, to superintend and controul the business of such hospitals, suspend delinquent and remove unnecessary non-commissioned officers, making report to the director; and, when in their power, to attend and perform or direct all capital operations:

That the hospital physicians shall take charge of such particular hospitals as may be assigned them by the director: They shall obey the orders of the director, or in his absence, of the chief hospital physician: They shall have power to suspend officers under them, and to confine other persons

serving in the hospitals under their charge, for negligence or ill-behaviour, until the matter be regularly inquired into: They shall diligently attend to the cases of the sick and wounded of the hospitals under their care, administering at all times proper relief, as far as may be in their power: They shall respectively give orders, under their hands, to the assistant purveyor or steward at the hospital, for the issuing provisions and stores, as well as for the procuring any other small articles that the exigencies of the hospital may require, and which the store is not provided with, having always a strict regard to œconomy, as well as the welfare of the sick then to be provided for: They shall make weekly returns to the nearest chief hospital physician, of the state of the hospitals under their respective care.

The mates shall each take charge of and attend the patients assigned them, and perform such other duties as shall be directed by the director, chief or other physicians and surgeons.

The chief physician and surgeon of the army shall be subject to the orders and controul of the director: His duty shall be to superintend the regimental surgeons and their mates, and to see that they do their duty: To hear all complaints against the said regimental surgeons and mates, and make report of them to the director, or, in his absence, to the Commander in Chief or commanding officer of a seperate army, that they may be brought to trial by court-martial for misbehaviour: To draw for and receive from the purveyor a suitable number of large strong tents, beds, bedding and hospital stores, and from the apothecary, or his assistant, proper medicines, for such sick and wounded persons as cannot be removed to the general hospital with safety, or may be rendered fit for duty in a short time. He shall also see that the sick and wounded, while under his care, are properly attended and provided for, and conveyed,

when fit to be removed, to the general hospital; for which last purpose, he shall be supplied by the quartermaster general, with a proper number of convenient waggons and drivers; he shall have a steward, which he is to appoint, to receive and properly dispense such articles of diet and refreshment as shall be procured for the sick; and also shall appoint such a number of nurses and orderly men as may be necessary for the attendance of the sick and wounded under his care. He shall cause daily returns to be made to him of all the sick and wounded which have been removed to the hospitals, all that remain in the hospital tents, all that are become fit for duty, all that are convalescent, and all who may have died, specifying the particular maladies under which the sick and wounded labour, and shall make a monthly return thereof to the director, who shall add it to his general hospital returns, to be transmitted monthly to the Medical Committee.

That whenever any regimental surgeon or mate shall be absent from his regiment, without leave from the chief physician and surgeon or commander of the army where his duty lies, the said chief physician and surgeon shall have power to remove such surgeon or mate and forthwith appoint another in his stead.

That the purveyor provide, or cause to be provided, all hospital stores, medicines, instruments, dressings, utensils, and such other articles as shall be prescribed by the written order of the director, or two of the chief hospital physicians, and deliver, or cause the same to be delivered, upon written orders, under the hands of the director, or chief hospital physician, or one of the hospital physicians, having the charge of a particular hospital, or of a chief physician and surgeon of the army, which, with receipts thereon for delivery of the same, shall be his sufficient vouchers. He shall be allowed a clerk, and as many store keepers as occasion may

require, and the director shall approve of. He shall also pay the salaries of the officers, and all other expences of the hospitals. He shall render his accounts every three months to the Board of Treasury for settlement, and make application for money to the Medical Committee, before whom he shall lay estimates of articles necessary, which shall previously have been approved and signed by the director or two of the chief hospital physicians; at the same time he shall render to them an account of the expenditure of the last sum of money advanced to him; and the said Medical Committee shall lay such estimates before Congress, with their opinion thereon:

That the assistant purveyor shall procure such supplies, and do and perform such parts of the purveyor's duty, as by him shall be particularly assigned to him.

That the apothecary and his assistant receive, prepare and deliver medicines, instruments and dressings, and such other articles of his department, to the hospitals and army, on orders in writing from the director, or either of the chief hospital physicians, or chief physician and surgeon of the army; and that he be allowed as many mates as occasion may require, and the director shall approve of:

That the director, or in his absence, the chief hospital physician, shall appoint a steward for each hospital, whose duty it shall be to purchase vegetables and other small articles, under the direction of the purveyor, and to receive hospital stores from the purveyor, and provisions from the commissary general, and issue the same for the use of the sick and wounded, agreeably to the order of the physician and surgeon attending such hospital; the steward to account with the purveyor for all such issues:

That the director, or, in his absence, the chief hospital physician, appoint a proper number of matrons, nurses, and others, necessary for the regular management of the hospitals,

and fix and ascertain their pay, not exceeding the sums heretofore allowed; and point out and prescribe their particular duties and employments, in writing, which they are enjoined to observe and obey:

That the director, with two chief hospital physicians, be empowered to fix the pay of second mates, and of such clerks, store keepers, and other persons, as may occasionally be employed; and also make such regulations, and point out and enjoin, in writing, such further particular duties for the several officers in the hospital department, as they may judge necessary for the regular management of the same; which duties shall always be consistent with, and in no wise contradictory to any of the duties herein before particularly enumerated, and which being reported to, and approved of by the Medical Committee, shall thereupon become obligatory to all those concerned:

That the quartermaster general furnish the hospital department, from time to time, as occasion may require, with such a number of horses and wagons as may be necessary for removing the sick and wounded, and for transporting the hospital stores; but that no other horses than those belonging to the officers of the department, for which forage may be herein allowed, be kept seperately and at the expence of the department:

That no person concerned in trade, on his own account, shall be suffered to act as an officer in the hospital or medical department of the army:

That no officer or other person in the hospital department, except the sick and wounded, be permitted to use any of the stores provided for the sick:

That the director, chief hospital physicians, and the chief physicians and surgeons of the army, physicians and surgeons, purveyor, apothecary, assistant purveyor, and assistant apothecary, be appointed and commissioned by Congress;

the regimental surgeons and mates to be appointed as heretofore:

That the director, with the advice and concurrence of two of the chief hospital physicians, appoint all hospital mates, which appointments shall be certified by warrants under the hand of the director; in which appointments no person shall be admitted under the age of twenty-one years:

That all the officers in the hospital or medical departments, shall be subjected to trial by courts-martial for all offences, in the same manner as officers of the line of the army.

Resolved, That the pay and establishment of the officers of the hospital department, and medical staff, be as follows:

Director, one hundred and fifty dollars per month, two rations for himself, and one for his servant, per day, and forage for two horses:

Chief physicians and surgeons of the army and hospitals, each, one hundred and forty dollars per month, two rations per day, and forage for two horses:

Purveyor and apothecary, each, one hundred and thirty dollars per month:

Physicians and surgeons of the hospitals, each, one hundred and twenty dollars per month, one ration per day, and forage for one horse:

Assistant purveyors and apothecaries, each, seventy-five dollars per month:

Regimental surgeons, each, sixty-five dollars per month, one ration per day, and forage for one horse:

Surgeons' mates in the hospitals, fifty dollars per month, one ration per day:

Surgeons' mates in the army, forty-five dollars per month, one ration per day:

Steward for each hospital, thirty-five dollars per month, one ration per day:

Ward master for each hospital, twenty-five dollars per month, one ration per day.

Resolved, That none of the aforesaid officers, or other persons employed in any of the hospitals, be entitled to rations of provisions or forage when on furlough.

Resolved, That the chief physician of the army be allowed a two horse covered waggon for transporting his baggage:

That the several officers abovementioned shall receive their pay in the new currency, emitted pursuant to a resolution of Congress of the 18th day of March last; and that they be allowed and paid at the rate of five dollars of said currency per month for every retained ration; and shall each be entitled annually to draw cloathing from the stores of the cloathier general, in the same manner and under the same regulations as are established for officers of the line, by a resolution of Congress of the 25th November, 1779:

That the returns for cloathing for officers in the medical staff (regimental surgeons and their mates, who are to draw with the regimental staff, excepted) be signed by the directors, or one of the chief hospital physicians; and such cloathing shall be delivered either by the cloathier general or any sub-cloathier in the state in which the officer to receive cloathing shall reside, in the same manner as is provided in the cases of other staff officers not taken from the line:

That the several officers whose pay is established as above (except the stewards and ward masters) shall at the end of the war be entitled to a certain provision of land, in the proportion following, viz.

The director to have the same quantity as a brigadier-general;

Chief physicians and purveyor, the same as a colonel;

Physicians and surgeons and apothecary, the same as a lieutenant colonel;

Regimental surgeons and assistants to the purveyor and apothecary, the same as a major;

Hospital and regimental surgeons' mates, the same as a captain;

That the former arrangements of the hospital department, and all resolutions heretofore passed touching the same, so far as they are inconsistent with the foregoing, be repealed, excepting that the hospitals in the southern department, from North Carolina to Georgia, inclusive, be continued under the same regulations as heretofore, until the further order of Congress.[1]

Adjourned to 10 o'Clock on Monday.

MONDAY, OCTOBER 2, 1780

A letter, of 5th September, from Major General Gates; and

A letter, of September 19, from President Weare, of New Hampshire, were read.[2]

The committee to whom was referred the report of the Board of Treasury, of 3 August last, respecting the settlement of the public accounts, report,

That it appears to them that the Board of Treasury have been attentive to their duty, in taking such measures as seemed advisable for procuring a settlement of the public accounts; that several of the accountants have alledged difficulties and impediments, arising from the former mode of producing their vouchers, which are removed by the resolutions of Congress of 12 June last; and that sufficient time has been allowed for every necessary preparation; Whereupon,

Resolved, That the Board of Treasury immediately proceed to put in execution the resolutions of the 12 June last,

[1] Here Charles Thomson resumes the entries.

[2] This letter is in the *Papers of the Continental Congress*, No. 64, folio 140.

in order that all outstanding accounts may be settled and adjusted without delay.[1]

Ordered, That the letter, of 26, from General Washington be referred to a committee of three:

The members chosen, Mr. [James] Lovell, Mr. [Nicholas] Van Dyke and Mr. [James] Duane.

Congress took into consideration the report of the Medical Committee on the letter, of 24 September, from the director general, together with the return of the officers in the hospital department; and thereupon,

The Medical Committee, to whom the Director General's letter of the 24th inst. together with the Return of the Officers in the Hospital Department was referred, beg leave to report:

That they have conferred with the Director General and other officers of the Department, and have made out a new Return, of the General Officers, the Senior and Junior Surgeons, together with the Dates of their respective Commissions, which they submit to Congress.

Resolved, That on Thursday next Congress will proceed to the election of the director, chief physicians, purveyor-apothecary and their respective assistants, and the physi, cians of the military hospitals.[2]

Congress took into consideration the report of the committee on the letter, of September 8, from Governor Jefferson; and thereupon,

Resolved, That Congress approve the measures taken by Governor Jefferson, for remounting the cavalry with the southern army, and request a continuance of his exertions for that purpose, on the same principles he has heretofore adopted.[3]

On motion of Mr. [John] Henry, seconded by Mr. [Samuel] Adams,

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 26, folio 207.

[2] This report is in the *Papers of the Continental Congress*, No. 22, folio 27.

[3] This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 20, II, folio 255.

Resolved, That bills of exchange be drawn on the honourable Henry Laurens, to the amount of ten thousand pounds sterling; and on the honourable John Jay, minister plenipotentiary of the United States, at Madrid, to the amount of ten thousand pounds sterling, payable at 90 days sight; and that out of the said bills the debt due to Messrs. Tracey and Co. be discharged; and the amount of seven thousand pounds sterling advanced to Mr. W. Bingham, in part payment of his account as agent of the United States.[1]

A letter, of 30 September, from the Board of War was read; Whereupon,[2]

Resolved, That it be recommended to the State of Rhode Island to take effectual measures for procuring for the use of the army such part of the cargo of the schooner *Le Comite* consigned by Messrs. P. Penet, du Costa, Brothers & Co. merchants at Nantz, to the State of Virginia, lately recaptured from the enemy and carried into the port of Providence in the said State, as shall be adjudged to the recaptors and may be suited to the use of the army: And that the State of Rhode Island be informed that Congress will draw upon the loan officer in the said State for payment thereof out of the new bills reserved for the use of the United States.

Ordered, That the Board of War take the proper steps for transporting to the State of Virginia such part of the said cargo as shall be adjudged to the said State.

A letter, of 26 September, from Governor Jefferson was read, with sundry papers enclosed:

Ordered, That it be referred to the Committee of Intelligence.

[1] This resolution was also entered in the manuscript Secret (Domestic) Journal. It is in the *Papers of the Continental Congress*, No. 36, I, folio 103, in the writing of John Henry. It is indorsed: "Motion of Mr. Henry, seconded by Mr. Adams September 23, 1780, for drawing bills on Mr. Laurens and Mr. Jay to pay Tracey and Bingham. Passed October 2, 1780." Another copy, in Henry's hand, is in No. 36, IV, folio 513.

[2] This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 191.

SIX O'CLOCK, P. M.

A letter, of 21 September, from the senate and house of assembly of the State of New York was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Ezekiel] Cornell, Mr. [James] Duane, and Mr. [William Churchill] Houston.

Ordered, That Mr. [Roger] Sherman have leave of absence.

Ordered, That a member be added to the committee on the motion from the delegates of New York, in the room of Mr. [Roger] Sherman.

The member chosen, Mr. B[enjamin] Huntington.

Ordered, That two members be added to the Committee on Ways and Means, in the room of Mr. [Roger] Sherman and Mr. [Robert R.] Livingston, who are absent.

The members chosen, Mr. [James] Duane and Mr. [John] Henry.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 3, 1780

The delegates for the State of New York laid before Congress the credentials of their appointment; which were read and are as follows:

IN ASSEMBLY *September 7th 1780.*

STATE OF NEW YORK *ss.*

Resolved if the Honorable the Senate concur herein, That the number of Delegates from this State in the Congress of the United States of North America be five; that a majority of such as shall attend in Congress be authorized to represent this State. *Provided* that if any Question shall be put in Congress when only one of the Delegates of this State shall be present, such Delegate shall be authorized to represent this State.

Ordered that Mr. Benson and Mr. Dunscomb carry a copy of the above resolution to the Honorable the Senate.

[1] Jefferson's letter is in the *Papers of the Continental Congress,* No. 71, I, folio 425; the New York letter is in No. 67, II, folio 310.

September 12th

A copy of a Resolution of the Honorable the Senate was delivered by Mr. Platt, purporting "that the Senate do concur with this House "in their resolution of the seventh instant, relative to the appoint-"ment of Delegates from this State to the Congress of the United "States of America."

In Assembly *September 12th 1780.*

Resolved that the Honorable James Duane, William Floyd, John Morin Scott, Ezra L'Hommedieu and Alexander McDougall Esquires, be and are hereby declared duly nominated and appointed Delegates to represent this State, in the General Congress of the United States of America.

A true Extract from the minutes

Evert Bancker, *Speaker*

Attest

John McKesson *Clk*

In Assembly *September 12th 1780.*

State of New York *ss:*

A copy of a Resolution of the Honorable the Senate delivered by Mr. Woodhull, was read and is in the words following to wit

"In Senate *September 12th 1780*

"Whereas the Special Occasion on which the Honorable Robert R. "Livingston Esquire Chancellor of this State, was appointed a Dele-"gate to represent this State in Congress doth still exist

"*Resolved* if the Honorable the House of Assembly concur herein "that the Honorable Robert R. Livingston Esquire Chancellor of "this State be and he is hereby further continued in the said Office "of Delegate until the first day of March next."

Resolved that this House do concur with the Honorable the Senate in their said resolution.

Ordered that Mr. Berrien and Mr. Lansing carry a copy of the above Resolution of Concurrence to the Honorable the Senate

Extract from the Minutes

Evert Bancker, *Speaker*

Attest

John McKesson *Clk*[1]

[1] The originals are in the *Papers of the Continental Congress*, New York, *Credentials of Delegates.*

A letter, of 1, from General Washington was read:[1]

Ordered, That it be referred to the committee appointed to confer with the directors of the bank.

Ordered, That two members be added to the said committee:

The members chosen, Mr. [Nicholas] Van Dyke and Mr. [John] Sullivan.

On motion of Mr. [Roger] Sherman, one of the committee to whom were referred the accounts of Mr. Holker,

Ordered, That the said committee be discharged, and that the accounts be referred for settlement to the Board of Treasury.

A letter, of September 11, from Solomon Southwick was read:[2]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Ezekiel] Cornell, Mr. [John] Fell and Mr. [Theodorick] Bland.

Ordered, That a warrant issue on the managers of the United States lottery, for three thousand eight hundred dollars, in favour of Richard Bache, postmaster general or order, for the use of his department ~~to be paid at the lottery office in the State of New York~~; and for which sum he is to be accountable.[3]

Congress took into consideration the report of the committee on the letters from General Washington, and thereupon came to the following resolutions:

Resolved, That such of the sixteen additional regiments as have not been annexed to the line of some particular state, and all the seperate light corps of the army, both of horse and foot, and also the German battalion, be reduced on the 1st day of January next: that the non-commissioned officers

[1] This letter is in the *Papers of the Continental Congress,* No. 152, IX, folio 203.

[2] This letter is in the *Papers of the Continental Congress,* No. 147, IV, folio 771.

[3] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 605.

and privates in those several corps, be incorporated with the troops of their respective states, and that such of them as do not belong to any particular state, be annexed to such corps as the commander in chief shall direct.

That the regular army of the United States, from and after the 1st day of January next, consist of 4 regiments of cavalry, or light dragoons; 4 regiments of artillery; 49 regiments of infantry, exclusive of colonel Hazen's regiment, hereafter mentioned; 1 regiment of artificers:

That each regiment of cavalry, or light dragoons, consist of 6 troops, and that each troop consist of 64 non-commissioned officers and privates, with the same number of commissioned officers as at present:

That each regiment of artillery consist of 9 companies, and that each company consist of 65 non-commissioned officers and matrosses, with the same number of commissioned officers as at present.

That each regiment of infantry consist of 9 companies, and each company consist of 64 non-commissioned officers and privates; and

That the regiment of artificers consist of 8 companies, and each company of 60 non-commissioned officers and privates:

That the several states furnish the following quotas, viz. New Hampshire, 2 regiments of infantry; Massachusetts Bay, 10 regiments of infantry and 1 of artillery; Rhode Island, &c. 1 regiment of infantry; Connecticut, 5 regiments of infantry and 1 of cavalry; New York, 2 regiments of infantry and 1 of artillery; New Jersey, 2 regiments of infantry; Pennsylvania, 6 regiments of infantry, 1 of artillery, 1 of cavalry, and 1 of artificers; Delaware, 1 regiment of infantry; Maryland, 5 regiments of infantry; Virginia, 8 regiments of infantry, 1 of artillery, and 2 of cavalry; North Carolina, 4 regiments of infantry; South Carolina, 2 regiments of infantry, Georgia, 1 regiment of infantry:

That the states select from the line of the army a proper number of officers to command the several regiments to them respectively assigned, taking notice that no new appointment is to be made of a higher rank than that of lieutenant-colonel commandant:

That the states be, and they are hereby, called upon in the most pressing manner, to have their regiments compleated and in the field by the first day of January next at farthest:

That it be recommended to the states to fill up their respective regiments by inlistments for and during the war; but in case the full quota of any of the states cannot be compleated with such recruits by the first day of December next, that it be recommended to such state or states to supply the deficiency with men engaged to serve for not less than one year, unless sooner relieved by recruits inlisted for the war, which they are requested to exert their utmost endeavours to obtain, as speedily as possible: and in order thereto, it is further recommended that the officers at camp be empowered and directed to use every prudent measure, and improve every favourable opportunity, to inlist, for the continuance of the war, such of the men belonging to their respective states, as are not engaged for that period, whether now in the field or hereafter, from time to time, joining the army; and that a recruiting officer from each corps be kept in the state to which the regiments respectively belong, to inlist recruits for the war, as well to relieve those who are engaged for a shorter or limited term as to supply casual deficiencies:

That two dollars be granted to the recruiting officer for every able bodied soldier he shall inlist for the war, who shall join the army; and that a sum not exceeding fifty dollars be allowed as a bounty to every such recruit:

That the Commander in Chief be, and hereby is, directed to cause returns to be made as speedily as possible to the several states, of the number of men they will probably have in the

field on the first day of January next, that the states may take immediate measures for compleating their respective quotas as above recommended, by that time:

That the Commander in Chief be, and he is hereby, directed to make a return annually to Congress, on or before the first day of September, of the number of troops from each state, in order that Congress may be enabled to make their requisitions from the several states with certainty and in season:

That the cloathing be furnished and regularly served out to the troops, as it becomes due, and that a full compensation be made for any arrearages of cloathing:

That the regiments of cavalry, artillery, and of artificers, as they now stand, be considered as belonging to the states respectively, to which they are or may be assigned, which states shall compleat them to the full complement, supply them with necessaries, and in every respect treat them as if originally raised therein, and that such other states as now have non-commissioned officers or privates in any of the regiments aforesaid, be credited in their quotas for such men, according to their numbers, from time to time; for which purpose the Commander in Chief is hereby directed to specify such non-commissioned officers and privates, and the states to which they formerly belonged, in the returns which he shall make to the states, and in his annual returns to Congress:

That the regiment commanded by Colonel Moses Hazen be continued on its present establishment, and that all non-commissioned officers and privates, being foreigners belonging to any of the reduced regiments and corps, be incorporated therewith, and all volunteers from foreign states, who are now in the service, or may hereafter join the American army, be annexed to the said regiment:

And whereas, by the foregoing arrangement, many deserving officers must become supernumerary, and it is proper that regard be had to them:

Resolved, That from the time the reform of the army takes place, they be entitled to half pay for seven years, in specie, or other current money equivalent, and also to grants of land at the close of the war, agreeably to the resolution of the 16 September, 1776.

Ordered, That a copy of the foregoing arrangement of the army be sent forward to the Commander in Chief, for his opinion thereon, and that if there shall appear no material objection, the same be carried into immediate effect.

Report of the Com^ee^ for encreasing the powers of Congress—Application to the State Legislatures

Whereas the vigor and exertion necessary to the direction of public affairs in time of war, renders it highly important to the interests of these United States that at this crisis the common council of America should be vested with sufficient power to call forth from time to time the military resources of the said States.

Resolved that it be recommended to the Legislatures of each of the United States to invest in Congress sufficient powers to call forth men and provisions and carriages whenever they shall deem them necessary for the common defence, and to assist their officers in collecting the same.

And Whereas many of the Legislatures are not now convened and any delay in bringing into the field the necessary number of Recruits to fill up the Battallions assigned to each State agreeable to the requisition of the Committee at Head Quarters, or in procuring provisions and carriages required by the Army may be attended with the most fatal consequences.

Resolved that Congress by the authority which the nature of the trust reposed in them vests them with, will immediately take measures to procure the supplies of men provisions and carriages necessary to give vigor and success to the operations of the present campaign.

Resolved, That the executive power of every State be required when called upon by Congress or their Officers duly authorized to afford them every aid in carrying the measures that may be adopted in consequence of the above resolutions into execution.[1]

[1] This report, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress,* No. 24, folio 13. It is undated, but probably belongs to this or an approximate date.

TREASURY BOARD *Octr 3rd 1780*

The Board of Treasury Beg leave to Report,

That upon the application of Abraham Skinner Comy Gen[1] of Prisoners accompanied with an estimate approved by the Board of War, the following Warrants issue in his favor, to wit;

One on Nathaniel Appleton Commissioner of the Continental Loan office for the State of Massachusetts Bay for eleven hundred dollars in Bills of Credit emitted pursuant to the act of Congress of the 18th of March last.

One other Warrant on John Lawrence Commissioner of the Continental Loan office for the State of Connecticut for seven hundred and fifty dollars in bills of Credit emitted pursuant to the Act of Congress of the 18th March last, for which sums the said Commissary General of Prisoners is to be accountable [1]

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 4, 1780

Mr. [William] Sharpe, a delegate for North Carolina, attended and took his seat in Congress.

A letter, of this day, from Lieutenant Colonel Ternant was read:

Ordered, That it be referred to the Board of War.

A letter from J. Hiltzeimer was read:[2]

Ordered, That it be referred to the Board of Treasury.

A letter, of July 8, from Mr. Dumas was read:

Ordered, That it be referred to the Committee of Foreign Affairs.

A motion was made by Mr. [Ezekiel] Cornell, respecting brevet officers:

Ordered, That it be referred to the Board of War, to report thereon with all convenient dispatch.

[1] This report, which is indorsed "negatived," is in the *Papers of the Continental Congress*, No. 136, IV, folio 607.

[2] Ternant's letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 433; Hiltzheimer's letter, dated October 3, 1780, is in No. 78, XII, folio 105.

The delegates for Virginia laid before Congress a letter of 22 September, from Governor Jefferson, which was read; Whereupon,

Resolved, That the same be referred to the Board of War, and that so much of the 20,000 pounds sterling directed by a resolution of 2 instant, to be drawn on the honorable J. Jay and the honorable H. Laurens, as shall remain after discharging the debts due to Messrs. Tracey and Company, and advancing seven thousand pounds sterling to Mr. W. Bingham, be appropriated to the providing and transporting arms for the troops raising in Virginia for continental service.[1]

The committee, to whom was referred the letter, of 26 September, from General Washington, brought in a report; Whereupon,

Resolved, That the Board of War be and hereby are directed to erase from the register of the names of the officers of the army of the United States, the name of Benedict Arnold.

A deposition of Benjamin Slade was read:[2]

Ordered, That it be referred to a committee:

The members chosen, Mr. [Timothy] Matlack, Mr. B[enjamin] Huntington and Mr. [William Churchill] Houston.

The committee, to whom was re-committed the report on the motion of Mr. [Samuel] Adams, relative to the propositions of neutrality by the Empress of Russia, delivered in a report:

Ordered, That the consideration thereof be assigned for to morrow.

The committee on the petitions of P. Bensey and John S. Phillips, delivered in a report.

[1] This resolution was also entered in the manuscript Secret (Domestic) Journal.

[2] Slade's deposition, made Oct. 4, 1780, is in the *Papers of the Continental Congress*, No. 19, V, folio 487.

Congress took into consideration the report on the instructions to the delegates of Virginia, and the extract of the honorable J. Jay's letter of 26 May, which being amended, was unanimously agreed to.

On the report of a committee to whom were referred certain instructions to the delegates of Virginia by their constituents, and a letter of the 26th May, from the honourable John Jay, Congress unanimously agreed to the following instructions to the honourable John Jay, minister plenipotentiary of the United States of America at the court of Madrid.

That the said minister adhere to his former instructions respecting the right of the United States of America to the free navigation of the river Mississippi into and from the sea; which right, if an express acknowledgment of it cannot be obtained from Spain, is not by any stipulation on the part of America to be relinquished. To render the treaty to be concluded between the two nations permanent, nothing can more effectually contribute than a proper attention, not only to the present but the future reciprocal interests of the contracting powers.

The river Mississippi being the boundary of several states in the union, and their citizens, while connected with Great Britain, and since the revolution, having been accustomed to the free use thereof in common with the subjects of Spain, and no instance of complaint or dispute having resulted from it, there is no reason to fear that the future mutual use of the river by the subjects of the two nations, actuated by friendly dispositions, will occasion any interruption to that harmony which it is the desire of America, as well as of Spain, should be perpetual. That if the unlimited freedom of

the navigation of the river Mississippi, with a free port or ports below the 31st degree of north latitude, accessible to merchant ships, cannot be obtained from Spain, the said minister, in that case, be at liberty to enter into such equitable regulations as may appear a necessary security against contraband; provided the right of the United States to the free navigation of the river be not relinquished, and a free port or ports, as above described, be stipulated to them.

That with respect to the boundary alluded to in his letter of the 26th of May last, the said minister be and hereby is instructed to adhere strictly to the boundaries of the United States as already fixed by Congress. Spain having by the treaty of Paris ceded to Great Britain all the country to the north-eastward of the Mississippi, the people inhabiting these states, while connected with Great Britain, and also since the revolution, have settled themselves at divers places to the westward near the Mississippi, are friendly to the revolution, and being citizens of these United States, and subject to the laws of those to which they respectively belong, Congress cannot assign them over as subjects to any other power.

That the said minister be farther informed, that in case Spain shall eventually be in possession of East and West Florida, at the termination of the war, it is of the greatest importance to these United States to have the use of the waters running out of Georgia through West Florida into the bay of Mexico, for the purpose of navigation; and that he be instructed to endeavour to obtain the same, subject to such regulations as may be agreed on between the contracting parties; and that as a compensation for this, he be

and hereby is empowered to guaranty the possession of the said Floridas to the crown of Spain.[1]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 5, 1780

A memorial from the auditors of the army was read:[2]

Ordered, That it be referred to the committee formerly appointed to settle the salaries of the officers and clerks of the several boards.

The Board of Treasury, to whom was referred the account and memorial of Daniel Broadhead, having reported thereon,

That in the stating of Mr Broadhead's account no allowance is made for depreciation in consideration of which and the peculiar case of Mr Broadhead and the report of the Board of War thereon, the Board submit the following resolution:

Ordered, That a warrant issue on the treasurer in favour of Mr. Daniel Broadhead, for six hundred and forty five dollars of the new bills directed to be emitted under the resolution of Congress, of the 18 March last, being a ballance due to him on his pay, rations and subsistance, including the time he was a prisoner with the enemy.[3]

The Board having also reported on the petition of J. Hamilton, which was referred to them; thereupon,

That agreeable to a Resolution of Congress of the 22nd of November 1777, Henry Slagle Esqr was appointed by the State of Pennsylvania to receive subscriptions on Loan, that the said John Hamilton did pay to the said Henry Slagle on the 15th day of June 1778 five thousand six hundred dollars, which agreeable to the Table of Depreciation, under the resolution of the 18th of March last, was worth when paid, the sum of one thousand nine hundred and eighty seven

[1] These instructions were entered only in the manuscript Secret Journal, Foreign Affairs. They are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 78.

[2] This memorial, dated October 3, 1780, is in the *Papers of the Continental Congress*, No. 41, I, folio 59.

[3] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 603.

and $^{48}/_{90}$ specie dollars; and on the 30th day of September following he paid the further sum of nine hundred dollars which was then worth agreeable to said Table the sum of one hundred and ninety four dollars $^{24}/_{90}$ and $^{6}/_{8}$ making in the whole two thousand one hundred and eighty one dollars $^{72}/_{90}$ and $^{6}/_{8}$ Specie. That on the 18 of Novr 1778 the said John Hamilton, received in Loan Office Certificates six thousand five hundred dollars worth on that day on the table aforesaid one thousand and ninety four dollars and $^{20}/_{00}$ which leaves a balance in favor of the said John Hamilton of one thousand and eighty six dollars $^{82}/_{90}$ and $^{6}/_{8}$ specie equal to forty three thousand four hundred and seventy six dollars and $^{70}/_{90}$ which including four thousand seven hundred and eighty one dollars and $^{20}/_{90}$ Interest amounts to the sum of forty eight thousand two hundred and fifty eight dollars; the following Resolution is therefore submitted—

Resolved, That the Board of Treasury be, and hereby are, authorised to direct Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, to deliver to John Hamilton, loan office certificates to the amount of forty eight thousand two hundred and fifty eight dollars, in full compensation for the difference occasioned by the delay of granting him certificates on the periods when he actually loaned his money.[1]

A report of the Board of Treasury on the memorial from Mr. Malmedy was read; Whereupon,

That they have considered the Letter of Colnl Malmedy of the 15th of September last referred to them, and are of opinion, that in consideration of the Losses, sustained by the said Colonel, of his Baggage in the late action in Carolina,

Ordered, That a warrant issue on the treasurer, in favour of Mr. Malmedy, for the sum of ten thousand dollars, to discharge the third bill of a sett of exchange drawn by Major General Lincoln in favour of the said Colonel Malmedy, dated Charlestown, April 28, 1780, at ten days sight for the said sum.[2]

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 603.
[2] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 605.

A report from the Board of Treasury, of 25 September last, was read:

TREASURY OFFICE *Septr. 25 1780*

The Board of Treasury beg leave to report

That they have considered the letter from the Board of War dated the 16th inst. read in Congress the 18th and referred to them. That so far as the letter aforesaid has respect to the making up of clothing purchased by Otis and Henly provision is already made by a report from the Board of the 21st inst. for 30,000 dollars in the new bills on the Continental Loan Officer for the State of Massachusetts Bay in favour of Joseph Carleton Pay Master to the Board of War and Ordnance

That with respect to the apprehension of the Board of War respecting further supplies of clothing the Board can assure Congress, that the state of the Treasury will not admit of any advances of money for the purpose of purchasing clothing. That by the Ordinance of Congress of the 23^d^ of March 1779, for regulating the cloathing department it is directed—"When from a deficiency in the public stores, the Troops of any State shall not have received their allowance of clothing, the State Clothier is without delay to represent their wants particularly enumerated in a return for that purpose to the Executive Authority of the State to which he belongs requesting a speedy and adequate supply." And as under the resolution of Congress of the 18th of March last, six tenths of the money emitted agreeably thereto, remains to be disposed of by the States: The Board submit, whether an estimate of clothing wanted for the use of the Army should not be prepared by the Board of War, and the several States immediately called on to provide Clothing for their respective Troops.

The Board beg leave further to report That on the application of Charles Morse one of the Clerks in the Office of the Secretary to Congress a warrant issue on the Treasurer in his favour for 6,000 dollars on account of his salary [1]

Ordered, That it be referred to a committee of three, and that they confer with the Board of War on the subject.

The members chosen, Mr. [Theodorick] Bland, Mr. [Ezekiel] Cornell and Mr. [Artemas] Ward.

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 774.

The committee to whom was referred the letter, of 1st, from General Washington brought in a report; whereupon,

Ordered, That the President write to the executive of the State of Delaware, and urge them to forward with all possible dispatch the supply of Flour expected from that State.

Congress took into consideration the report of the committee on the motion relating to the propositions of the Empress of Russia; and thereupon came to the following resolutions:

Her Imperial Majesty of all the Russias, attentive to the freedom of commerce, and the rights of nations, in her declaration to the belligerent and neutral powers, having proposed regulations, founded upon principles of justice, equity, and moderation, of which their Most Christian and Catholic Majesties, and most of the neutral maritime powers of Europe, have declared their approbation;

Congress, willing to testify their regard to the rights of commerce, and their respect for the sovereign, who hath proposed and the powers that have approved the said regulations:

Resolved, That the Board of Admiralty prepare and report instructions for the commanders of armed vessels commissioned by the United States, conformable to the principles contained in the declaration of the Empress of all the Russias, on the rights of neutral vessels:

That the ministers plenipotentiary from the United States, if invited thereto, be and hereby are respectively empowered to accede to such regulations, conformable to the spirit of the said declaration, as may be agreed upon by the Congress expected to assemble in pursuance of the invitation of her Imperial Majesty.

Ordered, That copies of the above resolutions be transmitted to the respective ministers of the United States, at

foreign courts, and to the honourable the minister plenipotentiary of France.[1]

On motion of Mr. [John] Mathews, seconded by Mr. [Whitmill] Hill,

Resolved, That the Commander in Chief be and hereby is directed to order a court of enquiry to be held on the conduct [of] Major General Gates, as commander ~~in chief~~ of the southern army.

Resolved, That the Commander in Chief be and is hereby directed to appoint an officer to command the southern army, in the room of Major General Gates until such enquiry be made.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, OCTOBER 6, 1780

A letter, of this day, from the reverend Mr. Rogers, chaplain of the 3d Pensylvania brigade was read:[2]

Ordered, That it be referred to the Board of War.

A delegate for Maryland laid before Congress a letter, which was read.

Ordered, That it be referred to the Board of Admiralty.

A report from the Board of War was read; Whereupon,

War Office *Oct.º 5th 1780*

Sir

On the representation of the calamitous situation of the prisoners in New York the Board have taken every measure consistent with their abilities to throw in even a small supply of flour for their relief, but from the constant scarcity of that article in the public magazines in this quarter we have not been able to procure a single barrel for the purpose required. The prisoners must be in the most distressed situation and the speediest relief should be sent them. Much transportation will be saved by the flour being sent by the way of the North river, We therefore beg leave to propose,

[1] This report, in the writing of Robert R. Livingston, is in *the Papers of the Continental Congress*, No. 25, I, folio 341.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 323.

Resolved, That the executive of the State of New York be requested to deliver to the order of Abraham Skinner, commissary-general of prisoners, two hundred barrels of flour (in part of the supplies called for from that State by Congress) for the use of the prisoners in New York.[1]

The committee, to whom was referred the letter, of 1st, from General Washington brought in a farther report; Whereupon,

Ordered, That the President write to the supreme executive of New York, New Jersey, Pensylvania and Maryland, ~~letters similar to that written by the order of Congress yesterday to the State of Delaware,~~ urging upon them the necessity of immediately forwarding what remains of their quota of supplies of flour.[2]

On motion of Mr. [Samuel] Adams, seconded by Mr. [John] Fell,

That all bills of Exchange directed to be drawn and disposed of on public account be sold by the Commissioners of the Loan offices in the respective states, and by them only under the advice and direction of the Board of Treasury and the proceeds paid to those by whom the money is to be expended.[3]

Resolved, That all bills of exchange directed to be drawn on either of the foreign Ministers, but not yet actually drawn, and all such bills as may hereafter be directed to be drawn, be disposed of by the commissioners of the loan offices in the respective states, and by them only under the direction of the Board of Treasury; and that the Board of Treasury and Board of War confer together and settle the rate at which all the bills now in their hands respectively shall be disposed of.

[1] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 585.

[2] This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress,* No. 19, VI, folio 299.

[3] This motion, in the writing of Samuel Adams, is in the *Papers of the Continental Congress,* No. 36, IV, folio 515.

A memorial of Henry Pendleton was read:[1]

Ordered, That it be referred to a committee of three.

The members chosen, Mr. [Artemas] Ward, Mr. [John] Hanson and Mr. [William] Sharpe.

A motion was made by Mr. [John] Sullivan, seconded by Mr. [Whitmill] Hill,

Ordered, That it be referred to the committee on the letter, of 5th, from General Gates.

Congress proceeded to the election of officers in the hospital department, and the ballots being taken, Doctor William Shippen, jr. was elected director-general; Doctor John Cochran, chief physician and surgeon of the army; Doctor James Craik, Doctor Malachi Treat, Doctor Charles M'Knight, chief hospital physicians.

Adjourned to 6 o'Clock.

SIX O'CLOCK, P. M.

On motion of Mr. [John] Sullivan, seconded by Mr. [James] Duane,

Resolved, That a committee of three be appointed to draught a letter to the Ministers of the United States at the Courts of Versailles and Madrid, to enforce the instructions given by Congress to Mr. Jay by their resolutions of the 4th instant, and explain the reasons and principles on which the same are founded, that they may respectively be enabled to satisfy those Courts of the justice and equity of the intentions of Congress.

The members chosen, Mr. [James] Madison, Mr. [John] Sullivan, and Mr. [James] Duane.[2]

Congress proceeded to the consideration of the subject relative to the jurisdiction of the tract of country called the

[1] This memorial, dated October 4, 1780, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 136.

[2] This resolve was also entered in the manuscript Secret Journal, Foreign Affairs.

New Hampshire Grants, when a letter, of 2, from Ira Allen and Stephen R. Bradley, was read.[1]

After debate on the subject,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 7, 1780

A letter, of 29 September, from Colonel Pickering, and a letter, of this day, from Mr. S. Miles, were read.[2]

The committee on the deposition of B. Slade delivered in a report, which was read.

The Committee to whom was referred the deposition of Captain Slade, beg leave to Report the following Resolves, viz.

That the Board of Admiralty be directed to obtain the names of the crew of the Schooner *Centurion,* late commanded by Benjamin Slade and captured by the *Alcide* British Ship of War; and the names of the crew of the Ship *Pocohuntus,* late commanded by Capt. Calender, and captured by the *Alcide,* and demand the said crews to be immediately exchanged.

That if the British shall refuse to exchange the crews of the said vessels, or make any unusual and unnecessary delay therein, the Board of Admiralty be directed to make Report thereof to Congress, in order that timely and the most decisive measures be taken in the case.

That the Board of Admiralty be directed to issue their orders to the Captains of all vessels, requiring them, in case of their being captured to make report to the Admiralty of the United States, as soon as possible, the names, and state of health of their respective crews at the time of their capture, in order to their being claimed in exchange.[3]

Congress proceeded in the election of officers in the hospital department, and the ballots being taken, Thomas Bond, jun. was elected purveyor; Isaac Ledyard, assistant purveyor;

[1] This letter is in the *Papers of the Continental Congress,* No. 40, I, folio 579.

[2] Miles's letter is in the *Papers of the Continental Congress,* No. 78, XVI, folio 89; Pickering's letter is in No. 192, folio 29.

[3] This report, in the writing of Timothy Matlack, is in the *Papers of the Continental Congress,* No. 19, V, folio 485.

Doctor Andrew Craigie, apothecary; William Johonot, assistant apothecary; Doctors James Tilton, Samuel Adams, David Townshend, Henry Latimer, Francis Hagan, Philip Turner, William Burnet, John Warren, Moses Scott, David Jackson, Bodo Otto, Moses Bloomfield, William Eustis, George Draper, Barnabas Binney, hospital physicians and surgeons.

On motion of the medical committee,

Resolved, That Doctor Matthew Maus be appointed surgeon to the regiment of invalids commanded by Colonel L. Nicola, and that Colonel Nicola be authorised to appoint a proper surgeon's mate to the said regiment, when the number of sick shall make it necessary.

A delegate for Virginia with the leave of the House read in his place a paper, which being delivered in at the table,

Ordered, That it be referred to the Committee on Ways and Means appointed on 11 August.

On motion of Mr. [John] Sullivan, seconded by Mr. [John] Mathews,

Ordered, That a committee of ~~three~~ four be appointed to draught a memorial to the Court of Versailles, for the purpose of procuring aids and supplies for a vigorous prosecution of the war against Great Britain.[1]

The members chosen, Mr. [Richard] Howly, Mr. [Nicholas] Van Dyke, Mr. [Jared] Ingersol, and Mr. [John] Henry.

A delegate for Georgia having with the leave of the House read in his place a paper and delivered in the same at the table,

Ordered, That it be referred to the foregoing committee.

On motion of the delegates of Virginia,

Resolved, That Charles Fleming and Forster Webb, esqrs. be and hereby are appointed commissioners, on the part of

[1] This order was also entered in the manuscript Secret Journal, Foreign Affairs.

the United States, either of them to endorse the bills that shall be emitted by the state of Virginia, pursuant to the resolution of Congress of the 18th of March last.[1]

The committee, to whom were referred the letters, of 23, and 24 March last, from the honorable J. Adams, delivered in a report, which was read:

Ordered, That the same be taken into consideration on Monday next.

Adjourned to 10 o'Clock on Monday.

MONDAY, OCTOBER 9, 1780

A letter, of 27, from General Gates, was read; Whereupon,[2]

Ordered, That Major Armstrong have leave of absence, for the recovery of his health.

Ordered, That so much of the letter, as relates to the auditing the accounts in the southern army, be referred to the Board of War and that they report a plan for that purpose.

A letter, of 3, from Governor Jefferson was read, with sundry papers enclosed.

A petition from Matthew McConnell and others was read:[3]

Ordered, That it be referred to the Board of Treasury.

A letter, of 8, from Mr. Marbois was read.[4]

A report from the Board of Admiralty was read; Whereupon,

Resolved, That John Bradford, continental agent at Boston, be and hereby is directed to sell all the canvas in his possession, except what the Navy Board of the eastern department

[1] A copy of this resolution, signed by Charles Thomson, is in the *Papers of the Continental Congress*, No. 78, IX, folio 503.

[2] This letter is in the *Papers of the Continental Congress*, No. 154, II, folio 247.

[3] This petition, dated October 9, 1780, is in the *Papers of the Continental Congress*, No. 42, V, folio 213.

[4] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 88.

may deem sufficient for the immediate use of the navy, or suitable for soldiers' tents; and also to sell all other goods in his hands belonging to the United States, and pay the money arising from the sales, agreeably to the orders of the Board of Admiralty.[1]

Another report from the Board of Admiralty was read, Whereupon

ADMIRALTY OFFICE *Octr. 6th 1780*

Mr. Lewis Pintard, agent for supplying the Continental Prisoners of War at New York, having informed this Board, that the Commissioners of the Board of War were to furnish him with Bills of Exchange, for the purpose of supplying Prisoners taken in the land Service, but that he must receive his directions for supplying the navy Prisoners from the Admiralty Board.

Resolved, That the agent for continental prisoners at New York be and hereby is directed to issue supplies to the navy prisoners, in the same manner as to those of the land army, as practised by him heretofore; and that he make distinct returns to the Board of Admiralty of all supplies by him issued to the navy prisoners, [distinguishing those in continental service from those in private ships of war, and the respective ships and states to which the latter belonged when taken].[2]

A letter, of 27 September, from Governor Jefferson was read, accompanied with copies of the acts of the Virginia assembly, from the beginning of the year, 1779.

On motion of the Committee of Commerce,

Ordered, That a warrant issue on the treasurer, in favour of the Commercial Committee for one hundred and fifty thousand dollars, the said committee to be accountable.

[1] This report is in the *Papers of the Continental Congress*, No. 37, folio 321. It is indorsed: "Report of the Board of Admiralty; read 19th Sept., 1780; passed 9th Oct."

[2] This report is in the *Papers of the Continental Congress*, No. 37, folio 322. The portion in brackets was added in Congress.

Congress took into consideration the report on the petitions of John Showman Philips and Peter Bensey, British prisoners captured under the command of General Burgoyne, praying to be admitted to take the oath of allegiance to and become citizens of some one of the United States; and thereupon,

That the Committee to whom was referred the petitions of John Showman Philips and Peter Bensey British soldiers captured under the command of Genl Burgoyne near Saratoga, and who deserted from the Convention troops on their March from Boston to Virginia, do now report.

That in the opinion of your Committee the prayer of said petitioners to be admitted to take the oath of Allegiance to these States and become citizens thereof being contrary to the said Convention, and if granted might operate to continue the imprisonment of the Citizens of the States with the enemy.

And thereupon your Committee submit the following resolution to Congress, to wit:

Resolved, That the prayer of the said petition be not granted, and that a copy of this resolution be delivered to the deputy commissary of prisoners in this State.[1]

Ordered, That a warrant issue on the treasurer, in favour of Robert Patton, messenger of Congress, for eight thousand five hundred dollars, continental currency, for the purpose of providing firewood for the use of Congress; and for which sum he is to be accountable.

Congress took into consideration the report of the committee on Mr. Adams' letters; and after some time spent thereon,

ADMIRALTY OFFICE *6 October, 1780.*

The Board to whom was referred the petition of Nathan Bush, beg leave to report,

That they have carefully examined the several vouchers herewith and are of opinion the sum of forty five thousand pounds current

[1] This report, in the writing of Nicholas Van Dyke, is in the *Papers of the Continental Congress,* No. 27, folio 109.

money of the State of South Carolina should be paid to the said petitioner agreeably to the inclosed appraisement.

27693 Continental dollars of the present depreciation equal to 55386 continental dollars at the time the vessel was appraised.[1]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 10, 1780

A letter, of 3, and one of 8, from Charles Lee, Esquire, were read:[2]

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [John] Mathews, Mr. [William] Sharpe and Mr. [Samuel] Adams.

The committee on the memorial of H. Pendleton, Esquire, delivered in a report, which was read.

A motion was made by Mr. B[enjamin] Huntington, seconded by Mr. [Ezekiel] Cornell, for electing a major general.

That Monday next be assigned to elect a Major General in the Continental Army.[3]

Ordered, That it be referred to the Board of War.

On motion of Mr. [Theodorick] Bland, one of the committee to whom was referred the report of the Board of Treasury, respecting cloathing,

Ordered, That the said committee be discharged, and that the report and papers be referred to the Committee on Ways and Means.

Congress took into consideration the report of the Board of War, respecting brevet and other officers not attached to the line of the army, and on motion,

[1] This report is in the *Papers of the Continental Congress*, No. 37, folio 325. It is indorsed: "Read October 9, 1780. August 24, 1781, not to be acted upon."

[2] The letter of October 3 is in the *Papers of the Continental Congress*, No. 158, folio 151; that of the 8th on folio 155.

[3] This motion, in the writing of Benjamin Huntington, is in the *Papers of the Continental Congress*, No. 36, I, folio 105.

Ordered, That it be re-committed.

Congress resumed the consideration of the report of the committee on the motion made by the delegates of Virginia; and thereupon,

Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular states, pursuant to the recommendation of Congress of the 6 day of September last, shall be ~~granted and~~ disposed of for the common benefit of ~~all~~ the United States ~~that shall be members of the federal union~~, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states: that each state which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: ~~and that upon such cession being made by any State and approved and accepted by Congress, the United States shall guaranty the remaining territory of the said States respectively.~~

That the necessary and reasonable expences which any particular state shall have incurred since the commencement of the present war, in subduing any of the British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed;

That the said lands shall be granted and settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.

~~That all purchases made of the Indians of any of said lands by private persons, without the approbation of the Legislature of the State to whom the right of preemption belonged, shall not be deemed valid to make a title to such purchases.~~

That no purchases and deeds from any Indians or Indian nations, for lands within the Territory to be ceded or relinquished, which ~~have been made without the approbation of the legislature of the state within whose limits it lay for the use of any private person or persons whatsoever make a title to the purchasers~~ shall not have been ratified by lawful authority, shall be deemed valid or ratified by Congress.

Postponed.

On this the yeas and nays being required by Mr. Fell—

Mr. Sullivan,	no	no	Mr. Plater,	ay	
Lovell,	no	no	Hanson,	no	no
Ward,	no		Henry,	no	
Cornell,	no	no	Madison,	no	
Huntington,	ay	ay	Walker,	ay	ay
B. Huntington,	ay		Bland,	ay	
Duane,	ay	ay	Hill,	no	div.
Fell,	no	div.	Sharp,	ay	
Houston,	ay		Mathews,	ay	
McLene,	no	no	Kinloch,	ay	ay
Muhlenberg,	ay		Motte,	ay	
Ingersoll,	no		Few,	ay	ay[1]
			Howly,	ay	

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 11, 1780

On motion of Mr. [James] Madison, seconded by Mr. [Theodorick] Bland,

Ordered, That the letter, of 27 September, from Governor Jefferson, with the copies of the acts of the legislature of Virginia enclosed therewith, be referred to the Board of Treasury, to enable them to ascertain and insert in the bills to be emitted by the said State, pursuant to the resolutions of Congress, of the 18 of March last, the time of the passing of the act adopting the said resolutions.

[1] This report is in the writing of Roger Sherman, except the last paragraph, which is in the writing of James Henry, the words "to be ceded or relinquished," "shall not," and "ratified by Congress" in the last paragraph being in the writing of Thomson. Thomson also made the entry of the motion and vote. It is in the *Papers of the Continental Congress*, No. 20, II, folios 245–247.

The Board of War, to whom was referred an extract from General Gates' letter, of 27 September, delivered in a report, which was read:

At a Board of War. *Octr. 10. 1780*

Present Mr. Peters, Col Grayson

The Board having considered the extract from Genl. Gates' letter, referred to them are of opinion that it is indispensably necessary that there should be one or more auditors with the southern army. Indeed should it appear not inconsistent with the regulations already established by Congress, or the Treasury Board, the Board of War would recommend that a depy Auditor Genl. be chosen for the Southern Army, with greater powers than a common Auditor of Accounts, who should have under his Direction one or more Auditors of Accounts, as the case might require. But the Board conceiving that this business more properly belongs to the Treasury Board, beg leave to report—

That the Extract from Genl. Gates' letter of the 27th ultr. referred to the Board of War, be referred to the Board of Treasury to report.[1]

Ordered, That the same, together with the above extract be referred to the Board of Treasury.

The committee appointed to consider what honors are due to the memory of Baron de Kalb, delivered in a report, which was read.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of John L. Clarkson, clerk to the Board of Treasury, for ten thousand dollars, for the purpose of purchasing fire wood for the Treasury Office, and defraying other unavoidable expences of the said office, for which sum he is to be accountable.[2]

A letter, of this day, from B. Edgar Joel was read:

Ordered, That it be referred to the Board of War.

A letter from Lieutenant Colonel Malmedy was read:[3]

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 689a. The extract of Gates' letter is on folio 693.

[2] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 609.

[3] Joel's letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 183; that of Malmedy in No. 78, XVI, folio 93.

Ordered, That it be referred to the Board of War.

The committee on salaries, and to whom was referred a memorial from the auditors of the army, delivered in a farther report.

A letter, of this day, from Mr. Marbois was read:

Ordered, That it be referred to the Board of Admiralty to take order.

The Committee on Ways and Means delivered in a report, which was read.

Congress resumed the consideration of the report of the committee on Mr. Adams' letters; and after some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 12, 1780

A letter, of 7, from General Washington was read, enclosing the proceedings of a board of general officers on the examination of Major John André, adjutant general of the British army, taken as a spy within the American lines, and other papers: [1]

Ordered, That the letter be referred to a committee of three:

The members chosen, Mr. [John] Sullivan, Mr. [Theodorick] Bland and Mr. [John] Mathews.

Ordered, That the proceedings of the board of general officers on the case of Major André be referred to the Committee of Intelligence.

The Committee on Estimates and Ways and Means, to whom was referred the report of the Board of Treasury respecting cloathing, delivered in a report, which being read, was taken into consideration, and some progress being made therein.

Adjourned to 10 o'Clock to Morrow.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 209. It is printed in part in the *Writings of Washington* (Ford), VIII, 472.

FRIDAY, OCTOBER 13, 1780

A petition of William Eugene Imlay was read:

Ordered, That it be referred to the Board of War.

A representation from the legislature of the State of New Jersey was read:

Ordered, That it be referred to the committee on the motion of the delegates for the State of New York for the relief of the treasury of that State.

On motion of Mr. [William Churchill] Houston, one of the committee to whom was referred the letter, of 31 March, from General Washington, with the papers enclosed:

Ordered, That the said committee be discharged, and that the letter and papers be referred to the committee on General Washington's letter of 7th.

On motion of Mr. [Samuel] Adams, seconded by Mr. [James] Duane,

Resolved, That a committee of three be appointed to draught a proclamation for setting apart a day of thanksgiving and prayer.

The members chosen, Mr. [Samuel] Adams, Mr. [William Churchill] Houston and Mr. [Frederick A.] Muhlenberg.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *October 12th 1780*

Whereas it was resolved in Congress June the 14th 1780, "that the Board of War be directed to continue their attention to the estimates for advances, to the Departments of Quarter Master General and Commissary General of purchases and of military stores, as far as circumstances will admit, in order to enable the Board of Treasury to decide on the merits of requisitions for such advances and report thereon to Congress," and whereas the plan for conducting the Quarter Master Gen^ls department agreed to in Congress July 15, 1780 "authorises the Ass^t Q^r Mas^r General to apply to the Board of Treasury for such sums of money as the Quarter Mas^r General shall direct and distribute the same" and does not require the attention of the Board of War to estimates for advances, whereby the resolution

aforesaid of the fourteenth of June last appears to be superceded or annulled, and whereas there are now before the Board applications with estimates from the Ass^{t} Q^{r} Master General for advances of considerable sums of money immediately wanted for the department which have not been submitted to the Board of War or received their approbation;

The Board of Treasury beg leave to report,

That Congress decide by a resolution for that special purpose whether the resolution of the 14th of June last respecting estimates be in force notwithstanding the plan for conducting the Q^{r} M. Genl department agreed to in Congress the 15th of July last.[1]

Ordered, That the Board of War continue to give the Board of Treasury the best advice in their power, respecting the necessity and propriety of advances to the quarter master general and to the commissaries general, to enable the Board of Treasury to decide on the merit of the requisitions made.

Another report from the Board of Treasury, dated the 6 instant, was read.

On motion of Mr. [William Churchill] Houston, seconded by Mr. [John] Fell,

Ordered, That the first paragraph be postponed, and that the Board of Treasury be directed to enquire to whom the three hundred thousand dollars granted on the 12 of February last, for the use of the State of Georgia have been paid, and how the same has been applied, and report the facts to Congress.

A letter, of 5, from Major General Gates, with sundry papers enclosed; also a letter, of 8, from Governor Jefferson, with sundry papers enclosed, were read:[2]

The delegates for South Carolina laid before Congress a letter from Governor Rutledge; Whereupon,

Congress took into consideration the report of the Board of War respecting the promotion of Colonel Morgan:

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 611.

[2] The Governor's letter is in the *Papers of the Continental Congress,* No. 71, I, folio 437; the letter of Gates is in No. 154, II, folio 267.

And it appearing from the letters of Governors Jefferson and Rutledge, and of Major General Gates, that Colonel Morgan's promotion to the rank of a brigadier general will remove several embarrassments which impede the public service in the southern department, and that it will otherwise greatly advance the said service:

Resolved, therefore, That Colonel Daniel Morgan be and hereby is appointed to the rank of brigadier-general in the army of the United States.

The Board of War, to whom was referred the motion for appointing a major general in the army of the United States, delivered in a report, which was read; Whereupon,

War Office *Octº 12, 1780*

Sir

The Board do themselves the honor to enclose Congress a list of Major Generals in the American service, amounting in the whole to the number of twelve, of these, Genl Putnam is in a bad state of health, and Genl Lincoln is a prisoner to the Enemy; if from the remainder two should be deducted, the one for the command in Carolina and the other for the important fortress of West Point, there will only be left eight for the subordinate commands in the line of the Northern and Southern armies, and for the Inspectorship, a number too small supposing it to be probable our army will amount to the complement voted by Congress.

The Board beg leave to refer to the list transmitted in the case of Genl Smallwood, by which (as Genl Nixon has since resigned) it will appear that Saml Holden Parsons Esqr is at present the oldest Brigadier in the continental line except Genl Thompson, who is a prisoner to the Enemy. It is also to be observed that this gentleman is of Connecticut, which State, by the want of health of General Putnam, and the treason of ~~General~~ Benedict Arnold, has no officer of that rank to command their Troops.

They therefore beg leave to report the following resolve,

That Brigr General Samuel Holden Parsons be promoted to the rank of Major General in the army of the United States.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 588; the enclosure is on folio 593.

Resolved, That Monday next be assigned for electing a major general in the army of the United States.

Brigadier General Parsons was put in nomination by Mr. B[enjamin] Huntington,

A report from the Board of Treasury was read; Whereupon,

Resolved, That John Wells and Edward Chinn, commissioners of accounts in the northern department, be and are hereby appointed an extra chamber of accounts, subject to the rules and regulations laid down in the resolution of Congress of the 12th of June last.

Ordered, That a warrant issue on the treasurer, in favour of Henry Dawkins, for fifteen hundred dollars, [on account for engraving and altering the border and back pieces for striking the bills of credit of the United States][1] and for which he is to be accountable.

That on the application of William Palfrey, paymaster general, a warrant issue on the treasurer in his favour, for four thousand dollars, for the use of his department to reimburse the delegates of Virginia for a like sum advanced by them to Lieutenant Smith, late a prisoner of war; for which sum the said William Palfrey is to be accountable.[2]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 14, 1780

A memorial from William Trent, in behalf of the proprietors of Vandalia and Indiana, was read.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of the inspectors of the continental press, a warrant issue on the treasurer, in their favour, for six thousand dollars, to defray the contingent

[1] The words in brackets are in the report but not in the Journal.

[2] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 609.

expences of the printing office and other demands; and for which they are to be accountable.

That on the application of Mr. [John] Mathews, Mr. F[rancis] Kinloch and Mr. I[saac] Motte, delegates for the State of South Carolina, a warrant issue on the treasurer in their favour, for thirty thousand dollars, for which the said State is to be accountable.

Congress resumed the consideration of the report of the committee to whom was referred the letter of Major General Gates, to consider of the honors due to the memory of Major General Baron de Kalb and the officers and soldiers under his command; and thereupon,

Resolved, That a monument be erected to the memory of the late Major General the Baron de Kalb, in the city of Annapolis, in the State of Maryland, with the following inscription:

Sacred to the memory of the baron de Kalb
Knight of the royal Order of
Military merit,
Brigadier of the Armies of France
And major general in the service
of the United States of America
Having served with honor and reputation
for three years,
he gave a last & glorious proof of his attachment
to the liberties of Mankind
and the cause of America
in the action near Camden in the state of So. Carolina
On the 16th of August 1780
where leading on the troops of
the Delaware & Maryland lines against
superior numbers
and animating them by his example
to Deeds of Valour
he was pierced with many wounds
and on the 19 following expired
in the 48 year of his age.
The Congress of the United States of America
in gratitude to his zeal, services and merit
have erected this monument.

Resolved, That the thanks of Congress be given to Generals Smallwood and Gist, and to the officers and soldiers of the Maryland and Delaware lines; the different corps of artillery; Colonel Porterfield's and Major Armstrong's corps of light infantry, and Colonel Armand's cavalry; for their bravery and good conduct, displayed in the action of the 16th of August last, near Camden, in the State of South Carolina.

Resolved, That the thanks of Congress be given to such of the militia officers and soldiers who distinguished themselves by their valour on that occasion.[1]

On motion of Mr. [John] Sullivan, seconded by Mr. [Samuel] Adams,

Ordered, That an extract of General Washington's letter, mentioning the death of Brigadier General Poor, be referred to the Committee of Intelligence, and published as a testimony of the high sense Congress entertain of the merit and services of the said brigadier-general.

Congress took into consideration the report of the committee on salaries; and thereupon,

Resolved, That each of the surveyors of the post-office be allowed five hundred and thirty three dollars and one third of a dollar per annum, and three dollars and one half of a dollar per day, while travelling the roads in the discharge of their duty:

The secretary to the President of Congress, four hundred and fifty dollars per annum:

The steward to the President of Congress, five hundred and fifty dollars per annum.

[*Resolved*, That the salary of the secretary and comptroller of the Post-Office be eight hundred dollars per annum:

That the above salaries be paid in the same manner as those agreed to the 13th September last.]

[1] This report, in the writing of John Henry, is in the *Papers of the Continental Congress*, No. 19, II, folio 391. The last two paragraphs are also on folio 397.

On the reference of the memorial of the auditors of accounts at the Army, they report,

That in consideration of the nature of the service in which the auditors of accounts at the army are engaged, they be allowed, each, two additional rations per day, while with the army.

Ordered, That a warrant issue on the treasurer in favour of James Johnston, one of the auditors of accounts at the main army, for three thousand dollars continental bills of the old emissions, for which sum he is to be accountable.[1]

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *October 18th 1780*

The Board of Treasury having considered the memorial of Samuel Young referred to them by Congress beg leave to report,

That it appears by said memorial and divers testimonies on oath exhibited and filed that a sett of Bills of Exchange for thirty six dollars drawn by the United States on the Commissioners at Paris in favor of Nathaniel Donnell dated May the 10th 1779 numbered 838 and duly issued from the Continental Loan Office for the State of Pennsylvania were delivered by the Memorialist to Jacob Bennet Master of the Sloop *Swan* to be negociated in France and that the said Sloop was captured by the Privateer *Spitfire* of New York which afterwards foundered at sea and all on board perished. Moreover that it appears as aforesaid that a sett of Bills of Exchange for one hundred and twenty dollars drawn by the United States on the Commissioners at Paris in favor of Charles Pryor dated the 24th of June 1779 numbered 829 and duly issued from the Continental Loan Office for the State of Pennsylvania were delivered by the Memoralist aforesaid to James Robertson Commander of the Continental Schooner *Ferret* which is supposed to be lost.

That the setts of exchange aforesaid were purchased and endorsed to the Memoralist aforesaid. The truth of all which the Board have no reason to doubt and therefore submit the following resolution,

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 26, folio 209. The portion in brackets was added in Congress.

Resolved, That the treasurer of loans sign and deliver to Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, to be by him issued to Samuel Young, two setts of exchange on the commissioners at Paris; one in favour of Nathaniel Donnell for thirty six dollars, to bear date May the 10, 1779, and be numbered 838, and the other in favour of Charles Pryor, for one hundred and twenty dollars, to bear date the 24 June, 1779, and be numbered 829, each set to consist of the 5th, 6th, 7th and 8th bills, one of the eight only to be paid.

That the treasurer of loans furnish the said Samuel Young with quadruplicate letters of advice, each containing a certified copy of this resolution and that the aforesaid Samuel Young enter into bond with the loan office aforesaid on behalf of the United States with two or more sufficient freeholders as securities in double the amount of the value of the said bills with condition to indemnify the United States against the holder or holders of any of the bills aforesaid which are said to be lost, should any such appear.[1]

TREASURY OFFICE *Oct 12th 1780*

The Board of Treasury beg leave to represent—

That a report with sundry inclosures made by the Committee of foreign affairs to Congress respecting the salary or pay of Samuel Stockton Esqr late Secretary to the Honb'le William Lee Esqr late Commissioner for the United States at the Courts of Vienna and Berlin was read in Congress on the 17th of April last, and referred to this Board, on which reference the Board reported to Congress the 23d of May following and on the 24 of the same month a resolution of Congress passed on that subject, and the accounts of the said S. W. Stockton were referred to the Auditor General for liquidation and in course were settled and returned to this Board allowing Mr Stockton three hundred pounds sterling a year agreeably to the resolution aforesaid from the time of joining Mr Lee at Vienna to the time of his leaving him at Frankfort deducting all monies received by the said Mr Stockton from Mr Lee and others without any consideration for his

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 617.

time or expences in returning from Frankfort in Germany to this City via Holland and Boston, leaving a balance due to Mr Stockton of fifty three pound five shillings and five pence half penny sterling; to this report Mr Stockton objected and brought his appeal before this Board which hath been heard, attentively considered, and unanimously determined; and more especially as the Board are of opinion the resolution of Congress aforesaid as to time has left the matter open that justice be done.

The following resolution is submitted.

Resolved, That Samuel W. Stockton, Esq. late secretary to the honorable William Lee, late commissioner for the United States at the Courts of Vienna and Berlin, be considered on salary, at the rate of three hundred pounds sterling per annum, from the time he left London to go to Mr. Lee, at Vienna, which was in the month of May, 1778, until he came to this city with letters to Congress, from Mr. Lee, in the month of December, 1779: That Mr. Stockton be not allowed for any expences, and that the several sums of money he has received, agreeably to his liquidated account, be deducted from the salary aforesaid, and the balance paid to Mr. Stockton, in specie, or current money equivalent; rating specie dollars at 4*s* 6*d* sterling.[1]

The committee, to whom was referred the letter from the senate and house of assembly of the State of New York, of 21 September, delivered in a report, which was read; Whereupon,

The Committee to whom was referred the letter from the Senate and House of Assembly of the State of New York dated the 21 of September last, beg leave to report,

That it appears from the representation of the said Legislature to be exceedingly difficult, if not impossible, to procure the quantity of beef allotted to that State by the Act of Congress of the 25th of February last; and that they are willing to substitute flour for whatever may be its deficiency in beef estimated at the prices fixed to those articles in the said act. That your Committee are of opinion,

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 613.

that it will be of public advantage to procure flour in lieu of beef in the State of New York, on account of the great expence and uncertainty of transportation, from States more remote from the army and military posts, and that for this and other reasons set forth in the said representation the request of the said Legislature ought to be granted,

Your Committee therefore submit the following resolution:

Congress passed the following resolution:

Whereas the State of New York was required, by an act of Congress of the 25 February last, to furnish eleven thousand two hundred cwt. of beef; and whereas ~~the said state by their Delegates in Congress have represented that on trial made the said Quantity of Beef cannot be procured therein, but that the Legislature are willing to substitute Flour for whatever may be its deficiency in Beef estimated at the prices afixed in the said act; and,~~

~~Whereas,~~ it will be of public advantage to procure flour as near as possible to the military posts and quarters of the army:

Resolved, That Congress do agree, that the State of New York, according to their proposal set forth in the letter above mentioned, may substitute flour in lieu of any quantity of beef which may be deficient on the 1st day of November next, of the quota allotted to the said state, at the rate of four dollars and an half for every hundred weight of flour and five dollars and an half for every hundred weight of beef; provided, nevertheless, that the said state shall continue to provide and deliver the quantity of beef requested to be furnished by the committee of Congress, lately with the army, in their letter of the 2d of June last, and eleven hundred and twenty five head of beef cattle, in addition thereto.[1]

A report from the Board of War was read; Whereupon,

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 20, I, folio 359.

WAR OFFICE *Octr. 14, 1780*

SIR

We have the honor to lay before Congress an account of the shot and shells contracted for by our orders which are very short of the quantity required. The Iron Masters have not received any part of the sum agreed to be paid them and are consequently distressed and extremely clamorous. We are informed that a sum of money is arrived from the eastward for which our paymaster has applied to the Treasurer who having so many previous Warrants cannot give a preference without a special order of Congress which we pray may be granted for at least one million of dollars, there being now due 4,580,616⅔ dollars.

We submit to Congress the propriety or impropriety of proceeding farther in this business as perhaps some of the Iron Masters might be prevailed on to cast more than the amount of their present contracts could they depend on being paid. A speedy determination upon this subject is necessary as their furnaces when blown out cannot again be put in blast this season.[1]

Ordered, That the treasurer without delay pay to the order of the Board of War one million of dollars, in part of the warrant issued in their favour to enable them to discharge their contract for shot and shells.

That the Board of War be informed that Congress judge it inexpedient to proceed farther in contracts for shot and shells.

The committee to whom was referred the application of the State of New York, and the motion of Mr. [Robert R.] Livingston for the relief of the treasury of that State, report as their opinion,

That if the application should be granted, the like benefit may be claimed for other states; that there is reason to believe that a compliance with such demands would involve the United States in the greatest difficulties, and that it cannot therefore be complied with:[2]

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 597.

[2] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 20, I, folio 363.

Resolved, That Congress agree to the said report.

A letter from Peter Baynton, secretary and comptroller of the Post Office, was read:[1]

Ordered, That it be referred to the committee on salaries.

TREASURY OFFICE *Octo 14th 1780*

The Board of Treasury beg leave to report,

That on the application of the Board of War and Ordnance a Warrant issue on the Treasurer in favor of Joseph Carleton Pay Master to the said Board for one hundred thousand dollars to defray the contingent expenses of said Board, for which the said Joseph Carleton is to be accountable.[2]

TREASURY OFFICE *Octr 14, 1780*

Whereas on the eighth day of March last, it was resolved by Congress "that the Board of Treasury report such sums as they may deem competent to be advanced to the Commissioners and Clerks of the several Boards, Auditors of the Army and other civil officers, for their necessary expenses to be accounted for toward their salaries, when a new Establishment thereof shall be made by Congress, which has been made by the Resolutions of the thirteenth and twenty fifth of September last; and whereas the salaries established as aforesaid are directed by a Resolution of the thirteenth of the September last to be paid in specie or other current money equivalent: Whereupon doubts have arisen whether the Resolutions aforesaid of the thirteenth and twenty fifth of September last establishing the salaries of certain Officers therein mentioned, are to have retrospect and to extend beyond the eighth day of March last, when the Board of Treasury were authorised to report advances in favor of certain officers, to be accounted for toward their salaries when a new establishment thereof should be made by Congress—Also whether in the payment of the salaries established as aforesaid, the words "Specie or other current money equivalent" are to be understood agreeably to the rate of Exchange fixed by the Resolution of the eighteenth March last, or agreeably to such rate of Exchange as has been or may be from time to time the real Exchange in the intercourse of business,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 25. It was undated, but an erroneous date of October 18, 1780, inserted.

[2] This report, indorsed: "Passed October 14," is in the *Papers of the Continental Congress*, No. 136, IV, folio 619.

The Board of Treasury beg leave to submit the following Resolutions to the consideration of Congress

Resolved That the Resolutions of the thirteenth and twenty fifth of Septr last respecting salaries have Retrospect and extend only to the 8th day of March last; that the several Officers therein mentioned, be paid for their services previous to that period agreeably to such establishment of their respective Salaries, as was suspended by the resolution of the eighth of March last, authorising the Board of Treasury to report money to be advanced on account—that just allowance thereon be made for depreciation from the time of last settlement of their respective accounts until the 8th day of March last, to be computed agreeably to the Table of Depreciation prepared in pursuance of the Resolution of the 28th of June last—

Resolved, That the salaries directed to be paid in specie, or other current money equivalent by the Resolution of the thirteenth of Septr last, be computed agreeably to the Rate of Exchange, between Specie and Continental Currency, that from time to time has been or may be the real exchange in the intercourse of business.[1]

Adjourned to 10 o'Clock on Monday.

MONDAY, OCTOBER 16, 1780

A letter, of 10 July, from the honorable J. Jay; and,

A letter, of 28 May, and 17 July, from Mr. W. Carmichael, were read and returned to the Committee of Foreign Affairs.[2]

A letter, of 11 October, from General Washington, was read:[3]

Ordered, That the same, together with the late plan for new arrangement of the army, be referred to the committee on his letter of 20 August last.

Another letter, of 13, from General Washington was read.

A letter, of 30 September, from the general assembly of the State of Massachusetts Bay was read, enclosing reso-

[1] This report, not indorsed, is in the *Papers of the Continental Congress,* No. 136, IV, folio 639.

[2] Jay's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 843; those of Carmichael are in III, 736 and 865.

[3] This letter is in the *Papers of the Continental Congress,* No. 152, IX, folio 247. It is printed in the *Writings of Washington* (Ford), VIII, folio 481.

lutions passed by the said assembly; and also a copy of the proceedings of a convention of committees from New Hampshire, Massachusetts and Connecticut, held at Boston the 3 August last:[1]

Ordered, That so much thereof as relates to the formation of the army be referred to the committee on the letter, of 20 August, from General Washington; and

That so much thereof as relates to the supply of the army, be referred to the Committee of Estimates and Ways and Means.

A letter, of 4, from Governor Greene was read, enclosing a copy of the act passed by the legislature of the State of Rhode Island, pursuant to the act of Congress, of 18 March last.

Ordered, That the same be referred to the Board of Treasury.

A letter from James Wilkinson, cloathier general, was read:[2]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Sullivan, Mr. [Ezekiel] Cornell and Mr. [William] Sharpe.

A petition of Ralph Pomeroy was read:[3]

Ordered, That it be referred to the Board of Treasury.

A letter, of this day, from A. Skinner, commissary of prisoners, was read:[4]

Ordered, That it be referred to the Board of War.

A report from the Board of War was read; Whereupon,

It appearing to Congress that Lieutenant Colonel Ternant had impressed from him two good riding horses during the siege of Charlestown, by order of the State of South Carolina,

[1] The Massachusetts letter is in the *Papers of the Continental Congress*, No. 65, I, folio 456; the resolutions passed by the assembly are in No. 65, I, folio 460; Washington's letter is in No. 152, IX, folio 271.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folios 237–241.

[3] This petition, dated October 16, 1780, is in the *Papers of the Continental Congress*, No. 42, VI, folio 242.

[4] This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 561.

Ordered, That the quartermaster general furnish Lieutenant Colonel Ternant with two good horses, reporting their value to the Treasury Board, who are hereby directed to make the said State accountable.[1]

The committee on the memorial of Mr. Holker;

The Committee to whom was referred the Memorial of Mr Holker of the 22d Aug. beg leave to report,

~~That they have perused and considered the same, and propose thereupon that it be resolved,~~

~~That Congress have no control over the courts of the State of Massachusetts Bay, but by appeal in cases of capture, the mode of bringing which appeal and the manner of conducting it before the court of Appeals instituted for this purpose are clearly pointed out.~~

That it be recommended to Mr Holker to consult able Counsel on this occasion, and to procure such letters of attorney and procuration from his constituents as will enable him to prosecute with effect for their interest according to the laws of Massachusetts Bay, which appear to be equal and sufficient for Spaniards and other foreign friendly nations as well as the subjects of these United States, to afford redress in the case mentioned by him. That whether Joseph De Lano, Master of the Brigantine *the Holy Martyrs* and John Larriqui of Boston, Merchant, or either of them had legal authority to dispose of the said Brigantine, and her cargo, or whether Mr Holker's Powers are sufficient to recover the same or the value thereof in damages, are matters proper to be decided by the Courts, where they are drawn in question, and if such Courts should determine wrong in the opinion of Counsel, the remedy is by application to a superior Court for redress.

That it be recommended to the State of Massachusetts Bay to appoint Marshalls or other proper officers in their Courts of admiralty if such are not already appointed for the purpose of securing the vessels and Cargoes that may be libelled against or contested in said Courts, and who may be responsible for the same to the party prevailing in the suit and subject to the order and directions of the Court of appeals on pain of Contempt.

That the memorial of Mr Holker be transmitted to the State of Massachusetts Bay, who are requested to take immediate and

[1] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 605.

effectual measures for procuring speedy justice to the parties concerned.[1]

The committee appointed to draught a proclamation for setting apart a day of thanksgiving and prayer;

The committee appointed to draught a letter to Mr. Jay; and

The committee on the letter, of 7th, from General Washington, delivered in their several reports, which were read.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 17, 1780

A Representation from Abraham Whipple, John Peck Rathburne, Samuel Tucker and Thomas Simpson, late commanders of the continental ships of war, the *Providence, Queen of France, Boston* and *Ranger,* was read:

Ordered, That it be referred to the Board of Admiralty.

A letter, of this day, from the Chevalier du Buysson was read:

Ordered, That it be referred to the Board of War.

A petition of Nathan Bush was read.

A report from the Board of Treasury was read:

TREASURY OFFICE *Octr 14th 1780*

The Board of Treasury Beg leave to Report—

That it appears by a Return of the Treasurer dated the 12th instant, that he has received into the Treasury from the Commonwealth of Virginia a certain sum of money in Specie, amounting to one thousand three hundred and eighteen pounds fifteen shillings, at the Rate of seventy five for one which is equal to two hundred and sixty three thousand seven hundred and fifty dollars Continental Currency.

That if it be the will of Congress that the aforesaid sum in Specie should be sold for Continental Currency, it may be done on the same terms on which it has been received into the Treasury[2]

[1] This report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress,* No. 19, III, folio 149.

[2] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 621.

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Theodorick] Bland, Mr. [James] Duane and Mr. [Thomas] McKean.

On motion of the Medical Committee,

Ordered, That Doctor Isaac Forster and Doctor Jonathan Potts deliver all public stores in their possession to Doctor Thomas Bond, purveyor of the hospitals, or his order, taking duplicate receipts for the same, and transmitting one of each to the Board of Treasury.

Congress took into consideration the draught of the letter to Mr. Jay, and agreed to the same.

The committee, appointed to prepare a letter to the Ministers Plenipotentiary of the United States at the Courts of Versailles and Madrid, explaining the reasons and principles on which the instructions to Mr. Jay the 4th instant are founded, reported a draft which was agreed to as follows:[1]

Sir,

Congress having in their instructions of the 4th instant, directed you to adhere strictly to their former instructions relating to the boundaries of the United States, to insist on the navigation of the Mississippi for the citizens of the United States in common with the subjects of his Catholick Majesty, as also on a free port or ports below the northern limit of West Florida, and accessible to merchant ships for the use of the former; and being sensible of the influence which these claims on the part of the United States may have on your negotiations with the court of Madrid, have thought it expedient to explain the reasons and principles on which the same are founded, that you may be enabled to satisfy that court of the equity and justice of their intentions.

[1] The original draft says: "report the following to Mr. Jay a copy of which with the resolution directing the draught, to be also inclosed to Dr Franklin."

With respect to the first of these articles, by which the river Mississippi is fixed as the boundary between the Spanish settlements and the United States, it is unnecessary to take notice of any pretensions founded on a priority of discovery, of occupancy, or on conquest. It is sufficient that by the definitive treaty of Paris, of 1763, article seventh, all the territory now claimed by the United States was expressly and irrevocably ceded to the king of Great Britain; and that the United States are, in consequence of the revolution in their government, entitled to the benefits of that cession.

The first of these positions is proved by the treaty itself. To prove the last, it must be observed, that it is a fundamental principle in all lawful governments, and particularly in the constitution of the British empire, that all the rights of sovereignty are intended for the benefit of those from whom they are derived, and over whom they are exercised. It is known also to have been held for an inviolable principle by the United States, while they remained a part of the British empire, that the sovereignty of the king of England, with all the rights and powers included in it, did not extend to them in virtue of his being acknowledged and obeyed as king by the people of England, or of any other part of the empire, but in virtue of his being acknowledged and obeyed as king of the people of America themselves; and that this principle was the basis, first of their opposition to, and finally of their abolition of, his authority over them. From these principles it results, that all the territory lying within the limits of the states, as fixed by the sovereign himself, was held by him for their particular benefits, and must equally with his other rights and claims in quality of their sovereign, be considered as having devolved on them, in consequence of their resumption of the sovereiguty to themselves.

In support of this position it may be further observed, that all the territorial rights of the king of Great Britain, within the limits of the United States, accrued to him from the enterprises, the risks, the sacrifices, the expense in blood and treasure of the present inhabitants and their progenitors. If in latter times expenses and exertions have been borne by any other part of the empire, in their immediate defence, it need only be recollected, that the ultimate object of them was the general security and advantage of the empire; that a proportional share was borne by the states themselves; and that if this had not been the case, the benefits resulting from an exclusive enjoyment of their trade have been an abundant compensation. Equity and justice therefore perfectly coincide, in the present instance, with political and constitutional principles.

No objection can be pretended against what is here said, except that the king of Great Britain was, at the time of the rupture with his Catholick Majesty, possessed of certain parts of the territory in question, and consequently that his Catholick Majesty had and still has a right to regard them as lawful objects of conquest. In answer to this objection, it is to be considered, 1. That these possessions are few in number and confined to small spots. 2. That a right founded on conquest being only coextensive with the objects of conquest, cannot comprehend the circumjacent territory. 3. That if a right to the said territory depended on the conquests of the British posts within it, the United States have already a more extensive claim to it than Spain can acquire, having by the success of their arms obtained possession of all the important posts and settlements on the Illinois and Wabash, rescued the inhabitants from British domination, and

established civil government in its proper form over them. They have, moreover, established a post on a strong and commanding situation near the mouth of the Ohio: whereas Spain has a claim by conquest to no post above the northern bounds of West Florida, except that of the Natchez, nor are there any other British posts below the mouth of the Ohio for their arms to be employed against. 4. That whatever extent ought to be ascribed to the right of conquest, it must be admitted to have limitations which in the present case exclude the pretensions of his Catholick Majesty. If the occupation by the king of Great Britain of posts within the limits of the United States, as defined by charters derived from the said king when constitutionally authorized to grant them, makes them lawful objects of conquest to any other power than the United States, it follows that every other part of the United States that now is, or may hereafter fall into the hands of the enemy, is equally an object of conquest. Not only New York, Long Island, and the other islands in its vicinity, but almost the entire states of South Carolina and Georgia might, by the interposition of a foreign power at war with their enemy, be forever severed from the American confederacy, and subjected to a foreign yoke. But is such a doctrine consonant to the rights of nations, or the sentiments of humanity? Does it breathe that spirit of concord and amity which is the aim of the proposed alliance with Spain? Would it be admitted by Spain herself, if it affected her own dominions? Were, for example, a British armament by a sudden enterprise to get possession of a seaport, a trading town, or maritime province in Spain, and another power at war with Britain, should, before it could be re-conquered

by Spain, wrest it from the hands of Britain, would Spain herself consider it as an extinguishment of her just pretensions? Or would any impartial nation consider it in that light? [As to the proclamation of the king of Great Britain of 1763, forbidding his governours in North America to grant lands westward of the sources of the rivers falling into the Atlantick ocean, it can by no rule of construction militate against the present claims of the United States. That proclamation, as is clear both from the title and tenor of it, was intended merely to prevent disputes with the Indians, and an irregular appropriation of vacant land to individuals; and by no means either to renounce any parts of the cessions made in the treaty of Paris, or to affect the boundaries established by ancient charters. On the contrary, it is expressly declared that the lands and territory prohibited to be granted, were within the sovereignty and dominion of that crown, notwithstanding the reservation of them to the use of the Indians.][1]

The right of the United States to western territory as far as the Mississippi having been shown, there are sufficient reasons for them to insist on that right, as well as for Spain not to wish a relinquishment of it.

In the first place, the river Mississippi will be a more natural, more distinguishable, and more precise boundary than any other that can be drawn eastward of it; and consequently will be less liable to become a source of those disputes which too often proceed from uncertain boundaries between nations.

Secondly, It ought not to be concealed, that although the vacant territory adjacent to the Mississippi should

[1] The paragraph in brackets is marked: "Amendment proposed to be inserted in the blank in 4th page." It was so inserted and accepted with the rest of the report.

be relinquished by the United States to Spain, yet the fertility of its soil, and its convenient situation for trade, might be productive of intrusions by the citizens of the former, which their great distance would render it difficult to restrain; and which might lead to an interruption of that harmony which it is so much the interest and wish of both should be perpetual.

Thirdly, As this territory lies within the charter limits of particular states, and is considered by them as no less their property than any other territory within their limits, Congress could not relinquish it without exciting discussions between themselves and those states, concerning their respective rights and powers, which might greatly embarrass the publick councils of the United States, and give advantage to the common enemy.

Fourthly, The territory in question contains a number of inhabitants, who are at present under the protection of the United States, and have sworn allegiance to them. These could not by voluntary transfer be subjected to a foreign jurisdiction, without manifest violation of the common rights of mankind, and of the genius and principles of the American governments.

Fifthly, In case the obstinacy and pride of Great Britain should for any length of time continue an obstacle to peace, a cession of this territory, rendered of so much value to the United States by its particular situation, would deprive them of one of the material funds on which they rely for pursuing the war against her. On the part of Spain, this territorial fund is not needed for, and perhaps could not be applied to, the purposes of the war; and from its situation is otherwise of much less value to her than to the United States.

Congress have the greater hopes that the pretensions of his Catholick Majesty on this subject will not be so

far urged as to prove an insuperable obstacle to an alliance with the United States, because they conceive such pretensions to be incompatible with the treaties subsisting between France and them, which are to be the basis and substance of it. By article eleventh of the treaty of alliance, eventual and defensive, the possessions of the United States are guarantied to them by his Most Christian Majesty. By article twelfth of the same treaty, intended to fix more precisely the sense and application of the preceding article, it is declared, that this guaranty shall have its full force and effect the moment a rupture shall take place between France and England. All the possessions, therefore, belonging to the United States at the time of that rupture, which being prior to the rupture between Spain and England, must be prior to all claims of conquest by the former, are guarantied to them by his Most Christian Majesty.

Now, that in the possessions thus guarantied was meant, by the contracting parties, to be included all the territory within the limits assigned to the United States by the treaty of Paris, may be inferred from the fifth article of the treaty abovementioned, which declares, that if the United States should think fit to attempt the reduction of the British power remaining in the northern parts of America, or the islands of Bermudas, &c., those countries shall, in case of success, be confederated with, or dependent upon, the United States. For, if it had been understood by the parties that the western territory in question, known to be of so great importance to the United States, and a reduction of it so likely to be attempted by them, was not included in the general guaranty, can it be supposed that no notice would have been taken of it, when the

parties extended their views, not only to Canada, but to the remote and unimportant island of Bermudas. It is true that these acts between France and the United States are in no respects obligatory on his Catholick Majesty, unless he shall think fit to accede to them. Yet as they show the sense of his Most Christian Majesty on this subject, with whom his Catholick Majesty is intimately allied; as it is in pursuance of an express reservation to his Catholick Majesty in a secret act subjoined to the treaties aforesaid of a power to accede to those treaties, that the present overtures are made on the part of the United States; and as it is particularly stated in that act, that any conditions which his Catholick Majesty shall think fit to add, are to be analogous to the principal aim of the alliance, and conformable to the rules of equality, reciprocity and friendship, Congress entertain too high an opinion of the equity, moderation and wisdom of his Catholick Majesty not to suppose, that, when joined to these considerations, they will prevail against any mistaken views of interest that may be suggested to him.

The next object of the instructions is the free navigation of the Mississippi for the citizens of the United States, in common with the subjects of his Catholick Majesty.

On this subject, the same inference may be made from article seventh of the treaty of Paris, which stipulates this right in the amplest manner to the king of Great Britain; and the devolution of it to the United States, as was applied to the territorial claims of the latter. Nor can Congress hesitate to believe, that even if no such right could be inferred from that treaty, that the generosity of his Catholick Majesty would not suffer the inhabitants of these states to be put into

a worse condition, in this respect, by the alliance with him in the character of a sovereign people, than they were in when subjects of a power who was always ready to turn their force against his Majesty; especially as one of the great objects of the proposed alliance is to give greater effect to the common exertions for disarming that power of the faculty of disturbing others. Besides, as the United States have an indisputable right to the possession of the east bank of the Mississippi for a very great distance, and the navigation of that river will essentially tend to the prosperity and advantage of the citizens of the United States that may reside on the Mississippi, or the waters running into it, it is conceived that the circumstances of Spain's being in possession of the banks on both sides near its mouth, cannot be deemed a natural or equitable bar to the free use of the river. Such a principle would authorize a nation disposed to take advantage of circumstances to contravene the clear indications of nature and Providence, and the general good of mankind.

The usage of nations accordingly seems in such cases to have given to those holding the mouth or lower parts of a river no right against those above them, except the right of imposing a moderate toll, and that on the equitable supposition, that such toll is due for the expense and trouble the former may have been put to. "An innocent passage (says Vattel) is due to all nations with whom a state is at peace; and this duty comprehends troops equally with individuals." If a right to a passage by land through other countries may be claimed for troops, which are employed in the destruction of mankind, how much more may a passage by water be claimed for commerce, which is beneficial to all nations.

Here again it ought not to be concealed, that the inconveniences which must be felt by the inhabitants on the waters running westwardly, under an exclusion from the free use of the Mississippi, would be a constant and increasing source of disquietude on their part, of more vigorous precautions on the part of Spain, and of an irritation on both parts, which it is equally the interest and duty of both to guard against.

But notwithstanding the equitable claim of the United States to the free navigation of the Mississippi, and its great importance to them, Congress have so strong a disposition to conform to the desires of his Catholick Majesty, that they have agreed that such equitable regulations may be entered into as may be a requisite security against contraband; provided, the point of right be not relinquished, and a free port or ports below the thirty-first degree of north latitude, and accessible to merchant ships, be stipulated to them.

The reason why a port or ports, as thus described, was required must be obvious. Without such a stipulation, the free use of the Mississippi would in fact amount to no more than a free intercourse with New Orleans and other ports of Louisiana. From the rapid current of this river, it is well known that it must be navigated by vessels of a peculiar construction, and which will be unfit to go to sea. Unless, therefore, some place be assigned to the United States where the produce carried down the river, and the merchandise arriving from abroad, may be deposited till they can be respectively taken away by the proper vessels, there can be no such thing as a foreign trade.

There is a remaining consideration respecting the navigation of the Mississippi which deeply concerns the maritime powers in general, but more particularly

their Most Christian and Catholick Majesties. The country watered by the Ohio, with its large branches, having their sources near the lakes on one side, and those running north-westward and falling into it on the other side, will appear from a single glance on a map to be of vast extent. The circumstance of its being so finely watered, added to the singular fertility of its soil, and other advantages presented by a new country, will occasion a rapidity of population not easy to be conceived. The spirit of emigration has already shown itself in a very strong degree, notwithstanding the many impediments which discourage it. The principal of these impediments is the war with Britain, which cannot spare a force sufficient to protect the emigrants against the incursions of the savages. In a very few years after peace shall take place, this country will certainly be overspread with inhabitants. In like manner as in all new settlements, agriculture, not manufactures, will be their employment. They will raise wheat, corn, beef, pork, tobacco, hemp, flax, and in the southern parts, perhaps, rice and indigo, in great quantities. On the other hand, their consumption of foreign manufactures will be in proportion, if they can be exchanged for the produce of their soil. There are but two channels through which such commerce can be carried on; the first is down the river Mississippi; the other is up the rivers having their sources near the lakes, thence by short portages to the lakes, or the rivers falling into them, and thence through the lakes and down the St. Lawrence. The first of these channels is manifestly the most natural, and by far the most advantageous. Should it however be obstructed, the second will be found far from impracticable. If no obstructions should be thrown in its course down the

Mississippi, the exports from this immense tract of country will not only supply an abundance of all necessaries for the West India islands, but serve for a valuable basis of general trade, of which the rising spirit of commerce in France and Spain will no doubt particularly avail itself. The imports will be proportionally extensive; and from the climate, as well as from other causes, will consist of the manufactures of the same countries. On the other hand, should obstructions in the Mississippi force this trade into a contrary direction through Canada, France and Spain, and the other maritime powers will not only lose the immediate benefit of it themselves, but they will also suffer by the advantage it will give to Great Britain. So fair a prospect could not escape the commercial sagacity of this nation. She would embrace it with avidity. She would cherish it with the most studious care. And should she succeed in fixing it in that channel, the loss of her exclusive possession of the trade of the United States might prove a much less decisive blow to her maritime pre-eminence and tyranny than has been calculated.

The last clause of the instructions, respecting the navigation of the waters running out of Georgia through West Florida, not being included in the ultimatum, nor claimed on a footing of right, requires nothing to be added to what it speaks itself.

The utility of the privileges asked to the State of Georgia, and consequently to the union, is apparent from the geographical representation of the country. The motives for Spain to grant it must be found in her equity, generosity, and disposition to cultivate our friendship and intercourse.

These observations you will readily discern are not communicated in order to be urged at all events, and as they here stand in support of the claims to which they relate. They are intended for your private information and use, and are to be urged so far, and in such forms only, as will best suit the temper and sentiments of the Court at which you reside, and best fulfil the objects of them.[1]

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 18, 1780

A report from the Board of War was read; Whereupon,

~~*Ordered*, That Thomas Smith, commissioner of the continental loan office in the State of Pensylvania, make sale of ten thousand dollars of the bills in his hands for continental currency, and furnish the same to Abraham Skinner, commissary of prisoners, to be distributed by him among the officers who are about to be exchanged.~~[2]

Ordered, That it be re-committed.

On motion of the delegates for Maryland,

Ordered, That the Board of Treasury cause payment to be made of the bill drawn by Joseph Clay, deputy paymaster general for the southern department, on his excellency Thomas Sim Lee, Governor of Maryland, for thirty thousand dollars, in favour of Peter Mallet or order, dated Headquarters, Hillsborough, the 4 September, 1780, and charge the same to the account of the said Joseph Clay.

A report from the Board of Treasury was read; Whereupon,

[1] This letter was entered only in the manuscript Secret Journal, Foreign Affairs. It is in the writing of James Madison, and is in the *Papers of the Continental Congress*, No. 25, I, folios 239–247.

[2] In the margin, Charles Thomson noted: "Reconsidered, and report re-committed."

Ordered, That on the application of Mr. [William] Sharpe, one of the delegates for North Carolina, a warrant issue on the treasurer in his favour, for fifteen thousand dollars, for which the said State is to be accountable:

That on the application of Edward Chinn and John Wells Extra Commissioners of Accounts a Warrant issue on Abraham Yates Commissioner of the Continental Loan Office for the State of New York in their favour for six hundred dollars, in Bills of Credit emitted pursuant to the Act of Congress of the 18th of March last, (part of the Bills aforesaid subject to the orders of Congress) to enable the said Commissioners to proceed on the execution of their duties of office and for which the aforesaid Edwd Chinn and John Wells are to be accountable.[1]

Ordered, That the remainder be postponed.

A letter, of 17, from the clerks in the Secretary's office, Board of War and Board of Treasury, was read:

Ordered, That it be referred to the committee on salaries.

A letter, of 18 July, from Governor Nash was read.[2]

Congress took into consideration the report of the committee on the letter, of 7 October, from General Washington; and after debate,

Ordered, That it be re-committed.

That Mr. [Whitmill] Hill be added to the committee.

Congress resumed the consideration of the report of the committee on Mr. Adams's letters; and the same being debated by paragraphs, was agreed to.

> On the report of a committee to whom were referred the letters of 23d and 24th March last, from the honourable John Adams, minister plenipotentiary of the United States for negotiating a treaty of peace and a treaty of commerce with Great Britain,

[1] This report is in the *Papers of the Continental Congress,* No. 133, IV, folio 631. It is indorsed: "Second part re-committed that the Board may report some other fund from which the money may be drawn for Messrs. Chinn and Wells."

[2] This letter, unsigned, is in the *Papers of the Continental Congress,* No. 72, folio 93. It is a duplicate of the letter read August 14, 1780.

Resolved, That the said minister be informed, it is clearly the opinion of Congress that a short truce would be highly dangerous to these United States.

That if a truce be proposed for so long a period, or for an indefinite period, requiring so long notice previous to a renewal of hostilities as to evince that it is, on the part of Great Britain, a virtual relinquishment of the object of the war, and an expedient only to avoid the mortification of an express acknowledgment of the independence and sovereignty of these United States, the said minister be at liberty, with the concurrence of our ally, to accede thereto; provided, the removal of the British land and naval armaments from the United States be a condition of it.

That in case a truce shall be agreed on by the belligerent parties, Congress rely on his attention and prudence to hold up the United States to the world in a style and title not derogatory to the character of an independent and sovereign people.

That with respect to those persons who have either abandoned or been banished from any of the United States, since the commencement of the war, he is to make no stipulations whatsoever for their readmittance; and as to an equivalent for their property, he may attend to propositions on that subject only on a reciprocal stipulation, that Great Britain will make full compensation for all the wanton destruction which the subjects of that nation have committed on the property of the citizens of the United States.

That, in a treaty of peace, it is the wish of Congress not to be bound by any publick engagement to admit British subjects to any of the rights or privileges of citizens of the United States; but at all times to be at liberty to grant or refuse such favours, according as

the publick interest and honour may dictate; and that it is their determination not to admit them to a full equality in this respect with the subjects of his Most Christian Majesty, unless such a concession should be deemed by the said minister preferable to a continuance of the war on that account.[1]

Congress took into consideration the resolution reported for setting apart a day of thanksgiving and prayer, and agreed to the following draught:

Whereas [2] it hath pleased Almighty God, the Father of all mercies, amidst the vicissitudes and calamities of war, to bestow blessings on the people of these states, which call for their devout and thankful acknowledgments, more especially in the late remarkable interposition of his watchful providence, in rescuing the person of our Commander in Chief and the army from imminent dangers, at the moment when treason was ripened for execution; in prospering the labours of the husbandmen, and causing the earth to yield its increase in plentiful harvests; and, above all, in continuing to us the enjoyment of the gospel of peace;

It is therefore recommended to the several states to set apart Thursday, the seventh day [of December next, to be observed as a day of public thanksgiving and prayer; that all the people may assemble on that day to celebrate the praises of our Divine Benefactor; to confess our unworthiness of the least of his favours, and to offer our fervent supplications to the God of all grace; that it may please him to pardon our heinous transgressions and incline our hearts for the future to keep all his laws ~~that it may please him still to afford us the blessing of health~~; to comfort and relieve our brethren who are any wise afflicted or distressed; to smile upon our husbandry and trade ~~and establish the work of our hands~~; to direct our publick councils, and lead our forces, by land and sea, to victory; to take our illustrious ally under his special protection, and favor our joint councils and exertions for the establishment of speedy and permanent peace; to cherish all schools and seminaries of education, ~~build up his churches~~

[1] These resolutions were entered only in the manuscript Secret Journal, Foreign Affairs. They are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 100.

[2] From this point the entries are by Thomas Edison.

~~in their most holy faith~~ and to cause the knowledge of Christianity to spread over all the earth.

Done in Congress, the 18th day of October, 1780, and in the fifth year of the independence of the United States of America.][1]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 19, 1780

Three letters from Gen. Washington, all dated the 15, were read, one of them enclosing copies of proposals for appointing a commissary of prisoners to reside with the American and British armies respectively; Whereupon,[2]

Resolved, That the Commander in Chief be authorised to carry into effect the proposals offered on his part, or to make any other agreement for the appointment of such commissaries of prisoners as he shall judge proper.

A letter, of 17, from A. Lee was read, with sundry papers enclosed.

A motion was made by Mr. [James] Lovell, seconded by Mr. [James] McLene, that the said letter with the papers enclosed be referred to a committee. After debate, a motion was made by Mr. [John] Mathews, seconded by Mr. [John] Sullivan, that the motion for committment be postponed, which on the question passed in the negative. When the question for committment was ready to be put, a division was called for, and on the question for committing the letter exclusive of the postscript, the yeas and nays being required by Mr. [James] Duane, the letter being as follows.

[1] This report is in the *Papers of the Continental Congress*, No. 24, folio 455. It is in the writing of James Duane, except the portion in brackets, which is in the writing of Samuel Adams. From this point Charles Thomson resumes the entries.

[2] The letter enclosing proposals for appointing a commissary of prisoners is in the *Papers of the Continental Congress*, No. 152, IX, folio 275; another letter, announcing Henry Laurens's capture, is on folio 293; another, concerning a court of inquiry for General Gates and other matters, is on folio 297. The last is printed in the *Writings of Washington* (Ford), VIII, 496.

"PHILADELPHIA, *October 17th, 1780*

"Sir, I must trouble your excellency to inform Congress of my arrival in this city, and that I shall obey their commands in giving them any information in my power, relative to the conduct of their private affairs. Your excellency will permit me to deposit with you the picture of the King of France set with diamonds, which the Minister of that monarch presented to me as a mark of his Majesty's esteem upon my taking leave of the Court of Versailles. But as it was in consequence of my having been a commissioner of Congress at that court, I do not think it becomes me to retain this present without the express approbation of Congress. It is with infinite pain that I feel myself obliged to mention to Congress that the manner of my dismission from the service of the United States implies a censure upon my conduct abroad and is injurious to my character. I have already laid before Congress the fullest evidence of the untruth and malice of the insinuations made against me. And as they all appear at length abandoned by those who made them, and the single assertion maintained of my having been disteemed at the French court, I desire to lay before Congress a copy of a letter from Count Vergennes in direct contradiction to that assertion, with two letters from my collegue, Mr. John Adams, as testimonials of my conduct, to which he was witness. Should any doubt remain in Congress that the insinuations made against me were groundless and malicious, and that I have discharged the public trust reposed in me with zeal and fidelity, I must beg of their justice to give me a full hearing at their bar upon the whole of the proceedings that concern my public conduct. I have the honor to be, &c."[1]

New Hampshire,		
Mr. Sullivan,	no	no
Massachusetts,		
Mr. Adams,	ay	ay
Lovell,	ay	
Ward,	ay	
Connecticut,		
Mr. Huntington,	ay	ay
B. Huntington,	ay	
New York,		
Mr. Duane,	no	no
Scott,	no	
New Jersey,		
Mr. Fell,	no	div.
Clark,	ay	
Pennsylvania,		
Mr. McLene,	ay	ay
Muhlenberg,	ay	
Matlack,	ay	

[1] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) IV, 85, dated, erroneously, October 7.

Delaware,		
Mr. McKean,	ay	ay
Maryland,		
Mr. Plater,	ay	ay
Hanson,	ay	
Henry,	ay	
Virginia,		
Mr. Madison,	ay	ay
Walker,	ay	
Bland,	ay	
North Carolina,		
Mr. Jones,	no	no
Hill,	no	
Sharpe,	no	
South Carolina,		
Mr. Mathews,	no	div.
Bee,	ay	
Kinloch,	ay	
Motte,	no	
Georgia,		
Mr. Few,	ay	ay
Howly,	ay	

So it was resolved in the affirmative.

On the question,

Resolved, That the postscript be also committed.

That the committee consist of three:

The members chosen, Mr. [James] Madison, Mr. [Thomas] Bee and Mr. [Abraham] Clark.

A motion was then made by Mr. [James] Duane, seconded by Mr. [John Morin] Scott,

That Mr. Lee be directed to lay before Congress all the information in his power relative to our affairs in Europe. After debate, the previous question was moved by Mr. [James] Lovell, seconded by Mr. [Thomas] McKean; on which the yeas and nays being required by Mr. [James] Duane,

New Hampshire,		
Mr. Sullivan,	ay	ay
Massachusetts,		
Mr. Adams,	ay	ay
Lovell,	ay	
Ward,	ay	
Connecticut,		
Mr. Huntington,	no	no
B. Huntington,	no	
New York,		
Mr. Duane,	no	no
Scott,	no	
New Jersey,		
Mr. Fell,	no	no
Clark,	no	
Pennsylvania,		
Mr. McLene,	ay	ay
Muhlenberg,	ay	
Matlack,	ay	
Delaware,		
Mr. McKean,	ay	ay

Maryland,		
Mr. Plater,	no	no
Hanson,	no	
Henry,	no	
Virginia,		
Mr. Walker,	no	div.
Bland,	ay	
North Carolina,		
Mr. Jones,	no	no
Hill,	no	
Sharpe,	no	
South Carolina,		
Mr. Mathews,	no	no
Kinloch,	no	
Motte,	no	
Georgia,		
Mr. Few,	no	no
Howly,	no	

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. [James] Duane,

New Hampshire,		
Mr. Sullivan,	no	no
Massachusetts Bay,		
Mr. Adams,	ay	ay
Lovell,	ay	
Ward,	ay	
Connecticut,		
Mr. Huntington,	ay	ay
B. Huntington,	ay	
New York,		
Mr. Duane,	ay	ay
Scott,	ay	
New Jersey,		
Mr. Fell,	ay	ay
Clark,	ay	
Pennsylvania,		
Mr. McLene,	ay	ay
Muhlenberg,	ay	
Matlack,	ay	
Delaware,		
Mr. McKean,	ay	ay
Maryland,		
Mr. Plater,	ay	ay
Hanson,	ay	
Henry,	ay	
Virginia,		
Mr. Walker,	ay	ay
Bland,	ay	
North Carolina,		
Mr. Jones,	ay	ay
Hill,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Mathews,	ay	ay
Kinloch,	ay	
Motte,	ay	
Georgia,		
Mr. Few,	ay	ay
Howly,	ay	

So it was resolved in the affirmative.

A letter, of 17, from E. Blaine was read.[1]

[1] This letter is in the *Papers of the Continental Congress,* No. 165, folio 361.

TREASURY OFFICE *October 19th, 1780*

The Board having considered their Report of yesterday in favor of Messrs Chinn and Wells recommitted beg leave to report

That on the application of Edward Chinn and John Wells Extra Commissioners of accounts a warrant issue on Gerard Banker treasurer of the State of New York in their favor for Thirty thousand dollars (part of the monies raised in said State for the use of the United States) to enable the said Commissioners to proceed on the execution of their Duties of Office, and for which the aforesaid Edward Chinn and John Wells are to be accountable

Passed.

Whereas it hath been represented that the interest arising on sundry Loan Office certificates issued prior to the 10th day of Sept.r 1777 remains to be paid, and doubts have arisen whether the said interest ought to be paid in the old currency or the new: for the removal of which Doubts the Board beg leave to submit the following Resolution

Resolved, That all interest that is or may be due on Loan Office certificates issued prior to the 10th day of Sept.r 1777 be paid by the Commissioners of the several Continental Loan Offices in the bills of credit emitted pursuant to the Act of Congress of the 18th of March last.

The Board having considered the memorial of Mordecai Sheftall Report—

That his account of pay and subsistance as Deputy Commissary of Issues has been settled by the Pay Master General—

That for the hogshead of rum supplied by him the 15th November 1778 per Col.o White's certificate amounting that day to fourteen hundred and eighty dollars he be allowed (agreeable to the Table of depreciation prepared in pursuance of the Resolution of the 28th of June last) two hundred and fifty three dollars and 9/90ths of a dollar Whereupon they beg leave to submit the following resolution

Resolved, That a warrant issue on the Treasurer in favor of Mordecai Sheftall for two hundred and fifty three Dolls and 9/90ths of a dollar in bills of credit emitted pursuant to the resolution of the 18th of March last for the payment of a hogshead of rum supplied for the use of the Southern Army.[1]

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 643.

FRIDAY, OCTOBER 20, 1780

A letter, of 17, from Major General R. Howe was read, with sundry papers enclosed:

Ordered, That the same be referred to the Board of Treasury.

A letter, of 10, from Mr. P. Schuyler was read:

Ordered, That so much thereof as relates to cloathing for the Indians be referred to the Board of War, and the remainder to the Board of Treasury.

A letter, of 17, from Colonel J. White was read.

A letter, of 14, from Governor Jefferson, with sundry papers enclosed, and a letter, of 17, from General Washington, were read.[1]

The committee to whom were referred General Washington's letters, and particularly that of the 11th, delivered in a report, which was read and taken into consideration, and in debating the following paragraph, to wit:

"That the Commander in Chief and commanding officer in the southern department direct the officers of each State to meet and agree upon the officers for the regiments to be raised by their respective states, from those who incline to continue in service, and where it cannot be done by agreement, to be determined by seniority, and make return of those who are to remain, which is to be transmitted to Congress, together with the names of the officers reduced who are to be allowed half pay for ———."

A motion was made by Mr. [John] Mathews, seconded by Mr. [James] Madison, to fill up the blank with the words "for life." On which the yeas and nays being required by Mr. [Ezekiel] Cornell,

[1] Howe's letter is in the *Papers of the Continental Congress*, No. 160, folio 519; Schuyler's is in No. 153, III, folio 541; Jefferson's is in No. 71, I, folio 445; Washington's is in No. 152, IX, folio 319.

New Hampshire,		
Mr. Sullivan,	no	no
Massachusetts Bay,		
Mr. Adams,	no	no
Ward,	no	
Rhode Island,		
Mr. Cornell,	no	no
Connecticut,		
Mr. Huntington,	no	no
B. Huntington,	no	
New York,		
Mr. Duane,	ay	ay
Scott,	ay	
New Jersey,		
Mr. Fell,	no	no
Clark,	no	
Delaware,		
Mr. McKean,	ay	ay
Maryland,		
Mr. Plater,	ay	div.
Hanson,	no	
Virginia,		
Mr. Walker,	ay	ay
Bland,	ay	
North Carolina,		
Mr. Jones,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Mathews,	ay	ay
Kinloch,	ay	
Motte,	ay	
Georgia,		
Mr. Walton,	ay	ay
Few,	ay	

So it was resolved in the affirmative.

After debate on the paragraph,

On motion of Mr. ~~Madison~~ [Willie] Jones, seconded by Mr. [James] Lovell,

Resolved that the ~~amended~~ motion for filling up the blank be reconsidered.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 21, 1780

A letter, of 10, from Governor Jefferson was read; Whereupon,

Resolved, That the reasons assigned by his excellency Governor Jefferson for inviting Oconostota and a few other principal warriors of the Cherokee nation to visit Congress and the Commander in Chief and army are wise and prudent, and that Governor Jefferson's letter with the papers enclosed, be referred to the Board of War, who are directed to take

order for the accommodation of the said chiefs on their arrival.[1]

A memorial from Mr. J[ohn] Sullivan was read, accompanied with sundry papers:[2]

Ordered, That the same be referred to the Board of Treasury.

Ordered, That the letter, of the 17, from E. Blaine, commissary general of purchases, be referred to a committee of three:

The members chosen, Mr. [John] Henry, Mr. [John] Mathews and Mr. [Abraham] Clark.

Ordered, That the letter, of 29 September, from Colonel Pickering Q. M. G. be referred to a committee of three:

The members chosen, Mr. [Jared] Ingersol, Mr. [Theodorick] Bland and Mr [Ezekiel] Cornell.

A report from the Board of War was read; Whereupon,

Ordered, That the letters from the Chevalier du Buysson, desiring leave to return to Europe, be referred to the Commander in Chief to act thereupon as he shall think proper.[3]

Congress took into consideration the report of the Board of Admiralty on Mr. Duer's account for spars; after debate,

Ordered, That it be re-committed to report specially.

Congress resumed the consideration of the report of the committee on General Washington's letter, of 11th, when a motion was made by Mr. [James] Duane, seconded by Mr. [John] Sullivan, to add to the report the following resolution:

That the officers who shall continue in the service to the end of the war, shall also be entitled to half pay during life, to commence from the time of their reduction. On which the yeas and nays being required by Mr. [John] Sullivan,

[1] This resolution was also entered in the manuscript Secret (Domestic) Journal.

[2] This memorial, dated October 21, 1780, is in the *Papers of the Continental Congress*, No. 41, IX, folio 125.

[3] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 613.

New Hampshire,		
Mr. Sullivan,	ay	ay
Massachusetts,		
Mr. Adams,	no	no
Lovell,	no	
Ward,	no	
Rhode Island,		
Mr. Cornell,	ay	ay
Connecticut,		
Mr. Huntington,	no	no
B. Huntington,	no	
New York,		
Mr. Duane,	ay	ay
Scott,	ay	
New Jersey,		
Mr. Fell,	no	no
Clark,	no	
Pennsylvania,		
Mr. McLene,	ay	ay
Ingersol,	ay	
Maryland,		
Mr. Plater,	ay	ay
Hanson,	ay	
Henry,	ay	
Virginia,		
Mr. Madison,	ay	ay
Bland,	ay	
North Carolina,		
Mr. Jones,	ay	ay
Hill,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Mathews,	ay	ay
Bee,	ay	
Kinloch,	ay	
Motte,	ay	
Georgia,		
Mr. Few,	ay	ay
Howly,	ay	

So it was resolved in the affirmative.

The report being amended to read as follows:

That the several regiments of infantry, requested from the respective states, by a resolution of the 3d instant be augmented, and consist of one colonel, one lieutenant colonel and one major, where the full colonels are continued: or one lieutenant colonel commandant and two majors, where the colonels are not continued; 9 captains, 22 subalterns, 1 surgeon, 1 surgeon's mate, 1 serjeant major, 1 quartermaster serjeant, 45 serjeants, 1 drum major, 1 fife major, 10 drums, 10 fifes, 612 rank and file:

That there be one captain and two subalterns to each company, and that the four supernumerary subalterns shall each have the rank of lieutenant, one of which is to reside in the State to which he belongs, to inlist and forward on recruits; one drum and one fife from each regiment to attend the recruiting officer; the other three supernumerary officers to

do the duty of paymaster, quartermaster and adjutant, in their respective regiments.

That the regiments of artillery be augmented to ten companies each.

That, instead of four regiments of cavalry, there be four legionary corps, consisting of four troops of mounted dragoons and two of dismounted dragoons, each consisting of sixty privates, with the same number of commissioned and non-commissioned officers to each troop as at present.

That there be two partizan corps, consisting of three troops of mounted and three of dismounted dragoons, of fifty each, one of which corps to be commanded by Colonel Armand, and the other by Major Lee, and officered by appointment of the Commander in Chief, with the approbation of Congress: and that the Commander in Chief be authorised to direct a mode for compleating, recruiting and supplying the said corps.

That the whole of the troops be inlisted during the war, and join their respective corps by the first day of January next.

That the Commander in Chief and commanding officer in the southern department, direct the officers of each state to meet and agree upon the officers for the regiments to be raised by their respective states, from those who incline to continue in service; and where it cannot be done by agreement, to ~~determine the same by lot~~ be determined by seniority, and make return of those who are to remain, which is to be transmitted to Congress, together with the names of the officers reduced, who are to be allowed half pay for ~~seven years, one half to be paid in a year after the conclusion of a peace and the other half in two years after their reduction~~ life.

[That the officers who shall continue in the service to the end of the war, shall also be entitled to half pay during life, to commence from the time of their reduction.]

~~It is also recommended to the Respective States to appoint and arange from their reduced officers a Sufficient number to Command the following number of Regiments viz~~

~~New Hampshire~~	~~1~~	~~Delaware~~	~~1~~
~~Massachusetts~~	~~3~~	~~Maryland~~	~~2~~
~~Rhode Island~~	~~1~~	~~Virginia~~	~~3~~
~~Connecticut~~	~~2~~	~~N° Carolina~~	~~2~~
~~New York~~	~~2~~	~~S° Carolina~~	~~2~~
~~New Jersey~~	~~2~~	~~Georgia~~	~~1~~
~~Pensylvania~~	~~3~~		

~~Those officers to Draw only half pay unless Called upon by Congress to Take Command in which Case they are to receive the same pay and Rations as other officers of Equal Rank.~~[1]

On the question to agree to the whole as amended, the yeas and nays being required by Mr. [Samuel] Huntington,

New Hampshire,		
Mr. Sullivan,	ay	ay
Massachusetts,		
Mr. Adams,	no	no
Lovell,	no	
Ward,	no	
Rhode Island,		
Mr. Cornell,	no	no
Connecticut,		
Mr. Huntington,	no	no
B. Huntington,	no	
New York,		
Mr. Duane,	ay	ay
Scott,	ay	
New Jersey,		
Mr. Fell,	no	no
Clark,	no	
Pennsylvania,		
Mr. McLene,	ay	ay
Ingersol,	ay	
Maryland,		
Mr. Plater,	ay	ay
Hanson,	ay	
Henry,	ay	
Virginia,		
Mr. Bland,	ay	ay
North Carolina,		
Mr. Jones,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Mathews,	ay	ay
Bee,	ay	
Kinloch,	ay	
Motte,	ay	
Georgia,		
Mr. Few,	ay	ay
Howly,	ay	

[1] This report is in the writing of John Sullivan and is in the *Papers of the Continental Congress*, No. 19, VI, folios 305, 307[2], except the paragraph in brackets, which is in James Duane's writing, and is in folio 307[1].

So it was resolved in the affirmative.

A report from the Board of War was read; Whereupon,

Ordered, That John Bradford, continental agent at Boston, deliver to the quartermaster general, or his order, all the duck in his hands suitable for tents, the property of the United States, to be made up into tents for the army, reserving only so much thereof, as in the opinion of the Board of Admiralty is necessary for the immediate supply of the navy.

That the Board of Admiralty forthwith give the necessary information to the said agent, that whatsoever is not appropriated to the use of the navy, may be delivered over to the quartermaster general without delay.[1]

A letter, of 4, from W. Rickman, was read; Whereupon,[2]

Ordered, That Dr. Rickman be informed, that pursuant to his former request, he is left out in the new arrangement of the hospital department.

That the letter be referred to the Board of Treasury, and that the Board take the proper steps to have his accounts finally adjusted.

The Committee of Estimates and Ways and Means delivered in a report.

On motion of Mr. [John] Mathews, seconded by Mr. [John] Sullivan,

Resolved, That a committee of five be appointed to draught a letter to the states, representing fully the present situation of our affairs and urging in the strongest terms the necessity of their contributing effectual aid and support, in order to extricate these United States from impending danger, to baffle the designs of the enemy and conduct the war to a happy issue:

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 609.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 319.

The members chosen, Mr. [John Morin] Scott, Mr. [John] Mathews, Mr. [John] Henry, Mr. [John] Sullivan and Mr. [Jared] Ingersol.

Adjourned to 10 o'Clock on Monday next.

MONDAY, OCTOBER 23, 1780

A letter, of 15, from Governor Jefferson was read, enclosing a letter, of 12, from Major General Gates, and sundry other papers containing an account of the defeat of ~~major~~ Colonel Ferguson:

Ordered, That the same be referred to the Committee of Intelligence.

A letter, of this day, from Captain McClean was read, requesting leave to resign.

Ordered, That it be referred to the Board of War.

A letter, of 20, from Lieutenant Colonel Diriks was read.[1]

The Board of Admiralty laid before Congress a copy of the proceedings and sentence of the court martial on the trial of Seth Harding, captain of the *Confederacy:*

Ordered, That the same be referred to the Board of Admiralty, to take such order thereon as they judge proper.

Ordered, That two members be added to the committee to correspond with the commanding officer of the southern department:

That the said committee keep a journal of their proceedings and correspondence, which shall be subject to the orders of Congress, and at the expiration of their appointment, lodged in the secretary's office:

The members chosen, Mr. [James] Madison and Mr. [William] Sharpe.

The delegates for North Carolina laid before Congress a letter, of 12, from the Board of War of that State, which was read; Whereupon,[2]

[1] Jefferson's letter is in the *Papers of the Continental Congress,* No. 71, I, folio 461; that of Diriks is in No. 78, VII, folio 305.

[2] This letter is in the *Papers of the Continental Congress,* No. 72, folio 105.

Ordered, That the Board of War forward all the arms which can be prepared immediately to the headquarters of the army in the southern department, subject to the order of the commanding officer in the said department.

Ordered, That the Board of War lay before Congress a state of the arms at the several magazines and other places; and that the Board of Admiralty also report to Congress the number of arms imported on continental account since the institution of that Board, and to what ports they have been brought.

A memorial of William Jackson was read:[1]

Ordered, That it be referred to the Board of Treasury.

Mr. [Artemas] Ward laid before Congress a letter, of 11, from Colonel Baldwin which was read:[2]

Ordered, That it be referred to the Board of War.

A memorial of Doctor Solomon Halling was read:[3]

Ordered, That it be referred to the Medical Committee.

Ordered, That a member be added to the said committee.

The member chosen, Mr. [Isaac] Motte.

A memorial from Captain James Nicholson was read:[4]

Ordered, That it be referred to the Board of Admiralty.

A letter, of 16, from General Washington was read, with sundry papers enclosed:[5]

Ordered, That the letter, with such of the papers enclosed as relates to the citizens of South Carolina, said to be confined on board a ship of war, be referred to the committee on the letter, of 28 August, from Major General R. Howe.

[1] This memorial, undated, is in the *Papers of the Continental Congress*, No. 41, IV, folio 404.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 21.

[3] This memorial, dated October 18, 1780, is in the *Papers of the Continental Congress*, No. 41, IV, folio 141.

[4] This memorial, dated October 21st, 1780, is in the *Papers of the Continental Congress*, No. 37, folio 525.

[5] A draft of this letter is in *Washington Papers*, A. V., pt. II, 277; three of the six enclosures are in the *Papers of the Continental Congress*, No. 152, IX, folios 303–307.

Ordered, That a member be added to the said committee, in the room of Mr. [Robert R.] Livingston, who is absent. The member chosen, Mr. [John] Sullivan.

Congress proceeded to the election of [a] major general, and the ballots being taken, Brigadier Samuel Holden Parsons was elected.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. [James] Duane, a delegate for the State of New York, a warrant issue on the treasurer in his favour, for fifteen thousand dollars; for which the said State is to be accountable.[1]

That on the application of Mr. [Richard] Howly, a delegate for the State of Georgia, a warrant issue on the treasurer in his favour, for fifteen thousand dollars; for which the said State is to be accountable.[2]

Congress took into consideration the report of the committee on the memorial of H. Pendleton, Esquire. After debate,

The Committee to whom was referred the consideration of the petition of Henry Pendleton Esqr. beg leave to report the following Resolve, Viz,

Resolved, that it is not expedient to grant the prayer of the petition of Henry Pendleton Esqr.[3]

Ordered, That it be postponed.

On application of the delegates of South Carolina,

Ordered, That a warrant issue on the treasurer in their favour, for twenty thousand dollars for the special and particular use of the said State, which is to be accountable.

On the application of Mr. [John Morin] Scott, a delegate for the State of New York,

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 653.

[2] This paragraph is in a report in the *Papers of the Continental Congress,* No. 136, IV, folio 609.

[3] This report, in the writing of Artemas Ward, is in the *Papers of the Continental Congress,* No. 19, V, folio 71.

Ordered, That a warrant issue on the treasurer in his favour, for fifteen thousand dollars; for which the said State is to be accountable.

The committee, to whom was referred the letter from E. Blaine, commissary general of purchases, delivered in a report, which was read:

Ordered, That the consideration thereof, and also of the report of the Committee of Estimates and Ways and Means be an order for to morrow.

A report from the Board of Treasury, relative to the 300,000 dollars sent to the State of Georgia, was read.[1]

TREASURY OFFICE, *Octr 17th 1780.*

In compliance with a Resolution of Congress of the 13th instant, directing the Board of Treasury to enquire to whom the 300,000 dollars, granted on the 12th of February last, for the use of the State of Georgia have been paid, and how the same have been applied:

The Board beg leave to report—

That the Hon'ble Richard Howley has laid before the Board a Letter dated Camden, from Joseph Gray and John White, Escorts employed by the Board of War—Copy of which follows.

CAMDEN *May 3rd 1780*

SIR,

On Sunday the 30th ult, we arrived in this place from Philadelphia charged with 300,000 dollars from Congress for your Excellency which you will please to send on an agent for to Camden, where we shall wait for his arrival, and oblige—

Your Excellency's very humble servants

JOSEPH GRAY, *Escort to the Board of War.*

JOHN WHITE, *Escort Board of War.*

Joseph Gray and John White the Escorts aforesaid have also appeared and laid before the Board sundry papers relative to the money aforesaid, Copies whereof follow—

AUGUSTA *May the 9th 1780.*

Georgia—In Council—*Resolved*, That his honor the Governor, be requested to take proper measures, for having brought into this State,

[1] From this point the entries are by George Bond.

the sum of 300,000 dollars sent by an Escort by the Board of War from Congress and which are now at Camden

Extract from the Minutes,

SAM^L STIRK, S. E. [C.]

AUGUSTA, *May the 10th 1780*

GENTLEMEN,

You will please to deliver unto Cap^tn John Hardy, the Bearer of this, the sum of 300,000 dollars, which you have informed me to be arrived, by your letter of the 3rd instant, his receipt will be a sufficient discharge—

I am your humble servant

RICHARD HOWLEY

To, Messrs Joseph Gray and John White Escorts of the Board of War

CAMDEN *May the 13th 1780*

Received of Wm Palfrey Esqr Pay Master General by the hands of Messrs White and Gray Escorts, by order of the Hon'ble Richard Howley Esqr Governor of the State of Georgia the sum of 300,000 dollars for the said State having signed two receipts of the same date and tenor for the same

JOHN HARDY

The Hon'ble Mr Howley informs the Board that John Hardy aforesaid, is one of the Treasurers for the State of Georgia that the 300,000 dollars aforesaid, went into the Treasury of the said State and was applied in various ways under the direction of the Governor and Council.[1]

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *Octr 16 1780*

The Board of Treasury Beg leave to Report,

That it appears by the affidavit of Edward Charleton on oath exhibited and filed that two sets of Bills of Exchange, for thirty six dollars each, numbered 2516 and 2517, each dated the 20th of April 1780 on the Commissioners at Paris in favor of Wm Finnie and duly issued from the Continental Loan office for the State of Pennsylvania were in his Pocket Book which he lost with the sets of Exchange

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 625

aforesaid in the same, the Truth whereof they have no reason to doubt, and therefore beg leave to submit the following Resolution

Resolved, That the treasurer of loans deliver to Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, to be by him issued to William Finnie, two setts of bills of exchange, on the commissioners at Paris, for the payment of interest due on loan office certificates, for thirty six dollars each, dated the 20th April, 1780, numbered 2516 and 2517, each set to consist of the 5, 6, 7 and 8 bills, one of the eight only to be paid.

That the treasurer of loans furnish the said William Finnie with quadruplicate letters of advice, each containing a certified copy of this resolution; and that the aforesaid William Finnie enter into bond to the loan office aforesaid, on behalf of the United States, with two or more sufficient freeholders as securities, in double the amount of the value of the said bills, with condition to indemnify the United States against the holder or holders of any of the bills aforesaid, the first four sets of which are said to be lost.[1]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 24, 1780

A letter from Mr. Lotbiniere was read; Whereupon,[2]

Ordered, That a warrant issue on the treasurer, in favour of Mr. Lotbiniere for ten thousand dollars, continental currency, on account.

A letter from R. Harrison, dated Cadiz, August 16th, was read:[3]

Ordered, That it be referred to the Committee of Intelligence.

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 633. Here Charles Thomson begins the entries.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 379.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, XII, folio 89.

A letter, of 23, from Colonel Grayson; and another, of the same date, from R. Peters Esq., were read:

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [Samuel] Adams, Mr. [James] Duane and Mr. [Ezekiel] Cornell.

Ordered, That the committee on salaries, to whom were referred the letter from Peter Baynton, and the letter from the clerks of several Boards, be discharged; and that Mr. [John] Hanson the only remaining member of that committee be added, and the letters above mentioned referred, to the above committee.[1]

A report from the Board of War was read, enclosing a letter from Samuel Hodgdon, assistant commissary general of military stores.

WAR OFFICE *Oct 19, 1780*

SIR,

The board have the honor to lay before Congress a letter from Mr. Hodgdon, Deputy Comy. Genl. of Military Stores, on the subject of the Department in which he acts. The plan he mentions would be eligible if current cash could be had; but the want of this is the constant bar to almost every plan. We would at this time particularly call your attention to the complaint with respect to the absolute famine which now prevails not only among the Artificers here but at all the posts at which they are employed. No work is done, the men are wandering about, some of them who can get private employment receive a support from what they earn, and others not fortunate enough to get private work, are in a state of absolute want. No discipline can be enforced under the present circumstances, as the men cannot consistent with any principle of justice be forced to work when the public cannot enable them to eat. We have in vain called on the Provision Commissary's Department. We have no hopes held out by the Officers of that department either of present or future relief. We have therefore thought it proper to lay the matter before Congress, lest when the supplies in the Ordnance department are wanting, undeserved censure may be thrown either on the Board or the Department, for deficiencies for which under the distressed circum-

[1] From here the entries are by George Bond.

stances above stated, neither should be answerable. We hope from the wisdom of Congress some relief may be afforded in the article of provisions, the men being willing to work if they can be fed and wait with patience for their pay unless their repeated wants and consequent idleness should have expelled every idea of discipline and subordination from among them.[1]

Ordered, That the report with the letter enclosed, be referred to a committee of three:

The members chosen, Mr. [Ezekiel] Cornell, Mr. [Theodorick] Bland and Mr. [Willie] Jones.

Congress took into consideration the report of the committee on Colonel Blaine's letter, of the 17th instant; and thereupon,

Resolved, That Colonel Blaine, commissary-general of purchases, be directed to make accurate returns to Congress of the supplies furnished by each State since the last day of December last.

That the state agents transmit to the Commander in Chief and to the commissary general, respectively, monthly returns of all the provisions which shall be drawn into their hands, specifying the articles and magazines or places where they shall be deposited. And as this regulation is of the utmost importance to the safety of the army and the success of military operations, it be earnestly recommended to the several legislatures to enjoin it as a duty on their state agents, under penalties which will enforce a prompt and punctual obedience; and that the commissary general transmit copies of all such returns to the Board of War without delay; and that he also lay before Congress a general monthly return of all provisions which shall hereafter be furnished by the states.

Resolved, That the States of Pennsylvania, Delaware, and Maryland, be desired to forward to camp without delay, the cattle called for by the resolution of the 15th day of September last.

[1] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 617.

That a copy of the letter of Colonel Blaine, and its enclosures, be transmitted without delay to the several states, who are hereby requested to take into their serious consideration the present want and distresses of the army, that they furnish and forward, by means the most efficacious, the supplies requested from them respectively; and that this subject, from the advanced season of the year, the critical state of our affairs, and the calamities consequent on the dissolution of the army, ought, in the opinion of Congress, to engage the unremitted attention of the states.

Ordered, That so much of the report as respects ~~a grant of six hundred thousand dollars~~ an advance to Colonel E. Blaine, commissary general, be re-committed.

On motion of Mr. [James] Duane, seconded by Mr. B[enjamin] Huntington,

Resolved, That a committee of three be appointed to devise ways and means by which the fleet and army of his Most Christian Majesty may be supplied with provisions, without the injury arising to the publick from interfering purchasers; and that they be instructed to confer with the Minister of France on the subject.

The members chosen, Mr. [James] Duane, Mr. [Theodorick] Bland and Mr. [John] Hanson.

TREASURY OFFICE *Octr. 16, 1780*

Whereas Provision is made by the Resolution of Congress of the 26th of August last only for such creditors of the United States as may have furnished supplies for the army or the transportation thereof, and there are sundry other creditors of various descriptions, who having just claims against the United States and their accounts unsettled are entitled to the same justice and for whom similar Provision should be made—

And whereas by a Resolution of the date aforesaid all debts due *to* the United States for monies received for their use, or otherwise, are to be paid according to the just value of the money when it was received or became due, and it is reasonable and just that all debts due *from the United States* should be paid according to the just value

of the money at the time when it became due: the Board beg leave to submit the following Resolutions—

Resolved, That all debts due from the United States for services or supplies of any sort be paid according to the just value of the sums due in the Bills of credit emitted pursuant to the act of Congress of the 18th of March last, the value of the sums due to be ascertained in specie agreeably to the Table of depretiation prepared in pursuance of the Resolution of the 28th of June last—

That in all cases in the settlement of accounts where the value of the sums due either to or from the United States is to be ascertained in specie, the Commissioners of the several Chambers of accounts be governed by the Table of depretiation aforesaid

That all accounts or parts of accounts of every description whatever that have been duly settled be excluded from all remedy against depretiation. Provided that nothing herein mentioned shall be construed to affect in any manner the Resolutions of Congress relative to the payment of the army [1]

Adjourned to 10 o'Clock to Morrow.[2]

WEDNESDAY, OCTOBER 25, 1780

The delegates for the State of Maryland laid before Congress a letter, of 20, from the governor of that State, which was read; Whereupon,[3]

Ordered, That a warrant issue on Thomas Harwood, commissioner of the continental loan office in the State of Maryland, in favour of Joseph Clay, paymaster in the southern department, for two thousand six hundred and sixty six dollars and two thirds of a dollar, to enable the extra regiment raised by the said State to proceed to the southward; and for which the said Joseph Clay is to be accountable.

The committee, to whom was referred the letter, of 29 September, from Colonel Pickering, Q. M. G. delivered in a report, which was read, and being taken into consideration,

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 641. It is indorsed: "Referred to the Committee on the letter of 23d October from the Comrs of the Board of War."

[2] Here Charles Thomson resumes the entries.

[3] This letter is in the *Papers of the Continental Congress,* No. 70, folio 431.

Resolved, That where Congress have resolved that a certain sum in specie is a proper compensation for the services of officers in the quartermaster's department, and have determined that payment shall be made either in specie or other current money equivalent, by *equivalent* is intended a *real* and not a nominal equivalent.

That when the quartermaster general shall lay before the Board of Treasury the pay rolls of his department, containing the sums due to his officers, the Board be and hereby are directed to give order for the discharge of the same out of the warrants already granted, in favour of the quartermaster general, and which remain unsatisfied.[1]

Congress resumed the consideration [of] the report of the Committee of Estimates and Ways and Means, wherein they state the following facts:

That from the report of the Board of War of the 16th of September, referred to this committee, it appears that the troops are again in danger of suffering distress from the want of cloathing; and that Congress are called upon to make every possible exertion to prevent a calamity which may be productive of the worst consequences.

That from the return of the cloathier general dated the 1st June last, and referred to in the foregoing report of the Board of War, it appears that there were in store 1196 coats, 2027 vests, 586 woolen, 971 leather, and 1256 drilling and linen breeches, and 24,645 pair of shoes.

That from an examination of different returns of the agents, the committee are of opinion there is a quantity of made shirts, and linen on hand sufficient in the whole for 35,000 shirts; and that there are also on hand 14,000 blankets;

[1] In the margin Charles Thomson noted: "Reconsidered, 26th. See 22 November." This report, in the writing of Jared Ingersoll, is in the *Papers of the Continental Congress*, No. 19, V, folio 155.

but what part of the articles mentioned in the said returns are since expended, the committee are uninformed.

That it appears from the abovementioned report of the said Board, that they know of no addition to the quantities of cloathing specified in the cloathier general's return, except the articles agreed for by Otis and Henley, with Messrs Tracey & Co., which lie at Boston, and cannot be made use of, for want of money to pay the workmen; and except a small quantity of cloathing arrived in the French fleet, which they are informed is sent off to headquarters, the quantity or species they are unacquainted with; but that the whole stock of cloathing on hand will bear a small proportion to the quantities requisite. That from an estimate made by Otis and Henley, the goods purchased from them will make up 2300 suits of clothes, 4650 vests, and 267 pair of cloth breeches, exclusive of their contract for 300 pair of leather breeches.

The committee find that Mr. Beaumarchais, under the name of Roderique Hortalez and Company did, in the month of May, 1777, lade on board of the ship *La Therese*, at Nantes, a large quantity of cloathing for the United States, consigned to Mr. Carabasse, the correspondent of Mr. Beaumarchais, at Cape François, in the island of St. Domingo. That part of the said cloathing has, from time to time, been shipped by Mr. Carabasse in different small vessels consigned to the agents of Congress, most of which, it is said, have safely arrived in North and South Carolina.

That it further appears to the committee, that there still remains in the hands of Mr. Carabasse at Cape François, a considerable part of the said cloathing, viz. 98 bales of woolen cloths, 55 bales of thin woolen cloths, 70 bales of white linen, 25 bales of worsted hose, 23 bales of blankets, 20 bales of worsted caps, and a quantity of buttons, silk, thread, and

trimmings. That by a letter from Mr. Carabasse, of the 18 May, it appears, that it was not in his power to remit the said goods for want of vessels; and that he is very importunate to be reimbursed his advances on account of the United States:

That on the 15 day of June, 1779, Congress agreed upon a representation and request to his Most Christian Majesty, setting forth that the supplies of arms, ammunition and cloathing for our armies have ever since the war been irregular, fortuitous, and scanty; and therefore requesting his Majesty to furnish us with these necessary supplies, and pledging the faith of these States for the repayment with interest of whatever sums may be advanced for that purpose, as soon as the restoration of peace shall have enabled us. That on the 10th of July following, the Board of War laid before Congress an estimate of the articles of the supplies necessary for the Army and the Marine Committee, an estimate of the articles for their department, copies of which were ordered to be transmitted with the representation to his Most Christian Majesty.

That our minister at the Court of Versailles, in his despatches of the 4th of March last, assures Congress that the disposition of that court continued as favourable as ever, though it could not comply with all our demands. That the supplies required in the invoices sent to him appeared too great and numerous to be immediately furnished. That three millions of livres were however granted him, with which, after deducting what would be necessary to pay the interest bills and other late drafts of Congress, he could not venture on ordering more than 10,000 suits of cloathes; and that with these he should have 15,000 arms and accoutrements; and that a great deal of cloths would go over in the *Alliance* purchased by Mr. Ross, which it was computed would make seven or eight thousand suits more.

That the said minister in the said letter repeats his earnest request, that some person of skill in maritime affairs may be appointed in the character of consul to take charge of them, he himself being unexperienced in such affairs; and in a letter of the 4 of October preceding, he expresses his wish that his time and attention were not taken up by any concerns in mercantile affairs, and he thereby be diverted from others more important: Whereupon,

Resolved, That the Board of War be, and hereby is, directed to order such quantities of cloth and trimmings, purchased from Messrs. Tracey and Company and now in store, as the Commander in Chief shall direct, to be forwarded, in order to be made up in the army; and that they take the necessary measures for having the rest of the cloathing made up and delivered to the cloathier general for the use of the troops, as they may be required.

That the Board of Admiralty be, and hereby is directed to despatch one of the continental frigates, as soon as can be done with any prospect of safety, to Cape François, for the cloathing and other public effects now in the care of Mr. Carabasse; and to bring the same into such port as the said Board shall judge to be most safe and convenient.

That it be referred to the Commercial Committee to report the ways and means for reimbursing Mr. Carabasse the money he has advanced for the United States.

That it is necessary to obtain as far as possible the supplies of cloathing, medicines, arms, and ammunition requested from his most Christian Majesty on loan; as well as without loss of time to import such of the cloathing and other articles as have been granted, or purchased in France for the public use. That for these and other purposes a consul be appointed to reside in France, whose duty it shall be, in addition to his consular functions, to receive and forward

all supplies to be obtained in that kingdom for the use of the United States, and to assist in directing our naval affairs.[1]

That the Board of Admiralty be and hereby is directed, to report to Congress the reasons that the public cloathing and military stores have not been imported agreeably to the intentions of our minister at the Court of Versailles.

That in addition to the measures taken by Congress it be and hereby is recommended to the respective states to exert their utmost endeavours to furnish their quotas of troops in

[1] This paragraph was written separately from the rest of the report by James Duane. It is in the *Papers of the Continental Congress*, No. 31, folio 69. As embodied in the committee's report it read: "That for these and other purposes a ~~Secretary~~ be forthwith appointed to ~~the minister plenipotentiary at the Court of Versailles and that he be invested also with the office of consul for the United States~~ and in that character be charged to take upon himself an active part in procuring and forwarding all loans and supplies from France for the use of these States, and in conducting our naval and commercial affairs in that kingdom." Thomson gives the clause and postponement as follows: "That for these and other purposes a be forthwith appointed, whose duty it shall be in addition to his Consular functions to provide and forward for the use of the United States all such supplies as he may be enabled to do either by loans procured by the Minister Plenipotentiary at the Court of Versailles or advances transmitted by Congress for that purpose. To which it was moved by Mr [James] Duane seconded by Mr [Theodorick] Bland to add.

Postponed

That he shall carry on no private trade or business for himself or others, and shall be entitled to a salary of per annum, in lieu of all commissions.

On which the yeas and nays being required by Mr [James] Duane:

Mr Adams,	no	no	Mr ~~Henry~~ Madison,	ay	ay
Lovell,	no		Bland,	ay	
Ward,	no		Jones,	ay	ay
Huntington,	no	no	Hill,	ay	
B. Huntington,	no		Sharpe,	ay	
Duane,	ay	ay	Mathews,	no	d.
Fell,	no	no	Bee,	no	
Houston,	no		Kinloch,	ay	
McLene,	no	no	Motte,	ay	
Plater,	no	no	Few,	ay	d.
Hanson,	no		Howly,	no	

So it Passed in the Negative.

Ordered, That the Paragraph be recommitted."

the continental line with cloathing on the terms mentioned in the former resolutions of Congress on this subject.[1]

The heads of the Report of the Committee to whom the Report of the Board of Treasury and letters of the Board of War were referred.

That a Consul or Agent be appointed to reside in France.

That Thursday next be assigned for the election. That he be directed to forward all cloathing and stores belonging to the United States, now in France as soon as possible.

That a Letter be wrote to Dr Franklin to direct him to forward in the mean time all he can.

That an estimate of cloathing sufficient for the officers and soldiers upon the present establishment be made and sent to France.

That the Minister of France be desired to use his influence with the Court of France to obtain a loan for the cloathing.

That the Board of Admiralty send the *Deane* Frigate and prize Brigantine to Hispanola for the cloathing there; that they take Tobacco from Maryland belonging to the Continent, sufficient to pay the Charges that have arose at that place.

That the States from New Hampshire to Virginia Inclusive, be called on for their proportion of cloathing for 15,000, exclusive of Shirts and Blankets.[2]

Ordered, That Monday next be assigned for the election of a consul to reside in France for the purposes above mentioned.

Mr. William Palfrey was nominated for that office by Mr. [John] Walker.

A memorial from James McCallister was read:[3]

Ordered, That it be referred to the Board of Treasury.

Congress took into consideration another report of the Committee of Estimates and of Ways and Means; and after debate,

[1] These resolutions, except the last paragraph, were also entered in the manuscript Secret Journals, Domestic and Foreign Affairs. I have followed the arrangement of paragraphs in the regular Journals. The report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 31, folios 67 and 73.

[2] This report, without date other than the year, is in the *Papers of the Continental Congress*, No. 25, I, folio 291.

[3] This memorial, undated, is in the *Papers of the Continental Congress*, No. 41, VI, folio 199.

ADMIRALTY OFFICE, *October 25, 1780.*

The Board, to whom the annexed Memorial was referred, Report,

That the information they have received of Mr. James Pyne's qualifications, and former services under the State of South Carolina, are such, as in the opinion of this Board, may recommend him to the Rank of a Lieutanant in the navy of the United States—But they beg leave to inform Congress, that they have at present several Lieutenants of long standing upon their navy list, who are not in actual service. Mr. Charles McCarthy, the other Memorialist, is engaged in private Service.[1]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 26, 1780

On motion of Mr. [Abraham] Clark, seconded by Mr. [John] Fell,

Ordered, That the resolutions passed yesterday on the report of the committee on Colonel Pickering's letter, of 29 September, be reconsidered.

A letter, of this day, from E. Blaine, commissary general, was read:[2]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] Duane, Mr. [Samuel] Adams, Mr. [John] Fell.

A motion was made by Mr. [James] McLene, seconded by Mr. [John] Hanson, respecting the printing of the Old and New Testament:

Resolved, That it be recommended to such of the States who may think it convenient for them that they take proper measures to procure one or more new and correct editions of the old and new testament to be printed and that such states regulate their printers by law so as to secure effectually the said books from being misprinted.[3]

[1] This report, indorsed upon Pyne and McCarthy's memorial of July 18, 1780, is in the *Papers of the Continental Congress,* No. 41, VIII, folio 132.

[2] This letter is in the *Papers of the Continental Congress,* No. 165, folio 373.

[3] This motion, in the writing of James McLene, is in the *Papers of the Continental Congress,* No. 29, folio 194.

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] McLene, Mr. [Thomas] McKean and Mr. [James] Duane.

The delegates for the State of Massachusetts Bay laid before Congress an account of John Scollay, for the education and maintenance of the late General Warren's three younger children, from 1 December, 1777, to 1 October, 1780:

Ordered, That it be referred to the Board of Treasury.

A letter of this day from Colonel J. White, was read:

Ordered, That the same, together with the report of the Board of Treasury respecting the accounts of the said J. White be referred to a committee of three:

The members chosen, Mr. [Ezekiel] Cornell, Mr. [George] Walton and Mr. [Francis] Kinloch.

The committee, to whom was referred the letter, of this day, from E. Blaine, commissary general of purchases, delivered in a report; whereupon, Congress agreed to the following resolution.

Whereas the commissary general of purchases has represented to Congress, that 5000 bushels of salt, which is lodged in the public magazines in the State of Massachusetts Bay, is immediately wanted for public service; that a dispute has arisen whether it is the property of the United States or of Abraham Livingston, continental agent in South Carolina, and that it has been agreed that it should remain in store until the determination of Congress should be known: and whereas it is impracticable to ascertain the grounds of Mr. Livingston's claim, he being now a prisoner of war in Charlestown:

Resolved, therefore, That the said salt be delivered to the commissary general of purchases, or his order, for the public use; and if it shall hereafter appear that the salt, or any part of it, is the rightful property of Mr. Livingston, that he shall receive a just compensation for the same.[1]

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, I, folio 379.

Congress resumed the consideration of the report of the Committee of Estimates and of Ways and Means, and the following paragraph being under debate,

That it be recommended to the several states to levy in the proportions hereafter mentioned a tax equal in value to six millions of silver dollars, to be paid partly in the specific articles, and at the prices hereafter enumerated, and the residue in gold or silver, or bills of credit of the emissions directed by the resolution of the 18 of March last.

The sense of the House was required whether the words, "or bills of credit of the emissions directed by the resolution of the 18 of March last" shall stand part of the report; and on the question shall those words stand, the yeas and nays being required by Mr. [Abraham] Clark,

Massachusetts Bay,		
Mr. Adams,	ay	ay
Lovell,	ay	
Ward,	ay	
Rhode Island,		
Mr. Cornell,	ay	ay
Connecticut,		
Mr. Huntington,	ay	ay
B. Huntington,	ay	
New York,		
Mr. Duane,	ay	ay
Scott,	ay	
New Jersey,		
Mr. Fell,	ay	ay
Clark,	ay	
Pennsylvania,		
Mr. Ingersol,	ay	ay
Maryland,		
Mr. Plater,	ay	ay
Hanson,	ay	
Henry,	ay	
Virginia,		
Mr. Madison,	ay	ay
Bland,	ay	
North Carolina,		
Mr. Jones,	ay	ay
Hill,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Mathews,	no	div.
Bee,	ay	
Kinloch,	no	
Motte,	ay	
Georgia,		
Mr. Walton,	ay	ay
Few,	ay	
Howly,	ay	

So it was resolved in the affirmative.

The committee on the letter, of this day, from E. Blaine, C. G. delivered in a farther report; Whereupon,

Ordered, That the clause of the commissary general's representation respecting the purchase of barrels, be referred to the Board of Treasury; and that the clause for enabling him to procure an additional number of cattle be referred to the Committee of Ways and Means.[1]

Adjourned to 10 o'Clock to Morrow.

FRIDAY, OCTOBER 27, 1780

A letter, of 22, from General Washington, with sundry papers enclosed;

A letter, of 23, from Colonel Pickering, Q. M. G. and

A letter, of this day, from Major General Greene, were read:[2]

Ordered, That they be referred to a committee of five:

The members chosen, Mr. [William] Sharpe, Mr. [Theodorick] Bland, Mr. [Ezekiel] Cornell, Mr. [John] Sullivan and Mr. [George] Walton.

A letter, of 21, from General Washington, enclosing a copy of a letter, of 18, from Brigadier General Knox, was read:

Ordered, That the copy of the letter from Brigadier General Knox, with so much of General Washington's letter as relates thereto, be referred to the Board of War; and

That the remainder of the letter be referred to a committee of three:

The members chosen, Mr. [Timothy] Matlack, Mr. [John] Hanson, Mr. [John] Walker.

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, I, folio 383.

[2] Washington's letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 323; Pickering's letter is in No. 192, folio 33; Greene's letter is in No. 155, I, folio 447.

A petition and representation of Ezekiel Forman and John Gibson, commissioners of the Board of Treasury, was read;

Also a letter, of this day, from J. Gibson was read:

Ordered, That the committee on the affairs of the Treasury proceed in the business and make report..

A letter, of 25, from M. Comyn was read.

A letter from Robert Patton was read: [1]

Ordered, That it be referred to the Board of Treasury.

A letter, of 26, from the Board of War was read; Whereupon,[2]

Resolved, That the Board of War be informed, that Congress approve of their purchasing cloathing for one thousand men, and laying out the remainder of the money arising from the sale of the bills of exchange in the purchase of flour or other necessaries, to be immediately forwarded for the prisoners of war, agreeably to the resolution of 23 August last; that the cloathing be disposed of to the continental troops only, and the provisions to them and the militia who were actually taken in arms and remain prisoners of war in South Carolina and Georgia.

Congress resumed the consideration of the report of the Committee of Estimates and Ways and Means; and after debate,

TREASURY OFFICE *Octr 27, 1780*

The Board beg leave to lay before Congress an account of Fancy work exhibited by Francis Hopkinson Esqr Treasurer of Loans which were referred to them by Congress on the 25th of May last with the following State of facts

That the said account with a letter to the Board of Admiralty on the subject of it numbered 1 and 2 were referred to the Auditor General as usual for liquidation, and on the 12th June William Govett

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 337.

[2] This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 199.

and John D. Mercier Esq^{rs} two of the Commissioners of the chambers of accounts, report thereon, as appears by their report N° 840

That the Board taking notice that the said Commissioners in this case had neglected to require the vouchers to support the charges conformable to the Ordinance of the 30th July 1779, remanded the said account on the 24th of June to the auditor general to be reconsidered, and with it sent another account N° 4 and 5 which the said Treasurer of Loans desired by his letter N° 6 to be substituted in the room of his aforesaid account

That on the 29th of the same month William Geddes and George Measam other Commissioners of the Chambers report they had examined the account of Francis Hopkinson Esqr referred to them by the Auditor General and call for the former report of the Commissioners to be laid before them

That on the 4th of August the Board remanded this last mentioned report to the Auditor General

That on the 7th of August the last mentioned Commissioners report, without any alteration of circumstances the sum first reported, as will appear by the paper N° 8

That upon this last report the Board proceeded to consider the said account, and on the 12th inst: rejected it for want of vouchers to support the charges

The Board beg leave further to observe that they should not have thought themselves authorized to allow the said account, had the Treasurer of Loans produced vouchers of his having been employed about the several matters he charged for.

1st Because it is within the knowledge of one of the Members of the Board, that with respect to the charges of the works incidental to the Treasury, the said Francis Hopkinson was not the only person consulted on those exhibitions of Fancy, and therefore cannot claim the sole merit of them and not entitled in this respect to the full sum charged.

2^{d} Because the Board are of opinion the public is entitled to those little assistances given by Gentlemen who enjoy a very considerable salary under Congress without Fee or further reward: and lastly because it appears to the Board by a relation of a conversation that passed between the said Treasurer of Loans and one of the Members of the Board just after the said Treasurer had wrote to the Admiralty the letter N° 1 that he viewed the success of his application for the

wine as very uncertain, and considered it in the light of compliment due to him for these works of Fancy

The Board therefore beg that Congress will decide on this account [1]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 28, 1780

A letter, of 13 October, from Major General Gates was read, with sundry papers enclosed: [2]

Ordered, That the same be referred to the committee on the letter from General Washington of the 22nd.

The Board of Admiralty, to whom were re-committed their report and sundry papers relative to an account of William Duer, Esquire, for masts, reported specially: Whereupon,

ADMIRALTY OFFICE *Octr 26 1780.*

The Board of Admiralty to whom were recommitted the enclosed papers relative to an account of William Duer, Esquire, for Masts he supplied the Continental Frigates built at Hudson's River beg leave to report to Congress thereon viz—

That it appears by the enclosed Certificate of Lancaster Burling master builder of the said frigates that the masts charged in the inclosed account of Mr Duer were actually furnished for the use of said frigates in Feby. 1776.

That it appears by the certificate of Augustine Lawrence and Samuel Tuder, Superintendants of the Building of the said frigates that the masts furnished by Mr Duer have not been paid for.

That it appears by the Certificate of Samuel Tuder one of the Superintendants of said frigates, that Mr Duer did in the Spring of the year 1776, apply to him for payment of said masts: but he not knowing anything of the contract could not make any payment for them

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 665. The "fancy work" was various designs executed by Hopkinson for the naval flag of the United States, seals (including the great seal of the United States), and currency. The enclosures mentioned in the report are in the *Papers of the Continental Congress,* No. 136, IV, folios 671–685.

[2] This letter is in the *Papers of the Continental Congress,* No. 154, II, folio 293.

From the foregoing State of facts the Board are of opinion that Mr Duer should be paid for the said masts and beg leave to mention that the same be referred to the Treasury for that purpose. They do not know that any payments have been made to Mr Duer on account of these masts.[1]

Ordered, That the said account be referred to the Board of Treasury for payment.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Ephraim Blaine, commissary general of purchases, accompanied with estimates approved by the Board of War, a warrant issue on the treasurer in his favour, for four hundred and seventy thousand dollars, for the use of his department; and for which the said Ephraim Blaine is to be accountable.[2]

That another warrant issue in his favour on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts Bay, for one hundred thousand two hundred and thirty five dollars, to enable him to discharge a contract made by Major General R. Howe, between Henry Wykoff and George Fechem; and for which the said Ephraim Blaine is to be accountable.

And that another warrant issue in his favour on John Hopkins, Junior, commissioner of the continental loan office for the State of Virginia, for one hundred and two thousand two hundred and forty one dollars and 58/90 of a dollar, for the use of his department; and for which he is to be accountable.[3]

On motion of Mr. [Abraham] Clark, seconded bv Mr. [John] Fell,

Resolved, That the director of the hospitals, the chief physicians and surgeons of the hospitals and the army,

[1] This report is in the *Papers of the Continental Congress*, No. 37, folio 333.

[2] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 655.

[3] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 687.

and the other physicians and surgeons of the hospitals, the purveyor, apothecary and their respective assistants, and the stewards, do severally take the oaths or affirmations directed by a resolution of Congress of the 3d of February, 1778; and deposite duplicate certificates of taking the same with the Medical Committee as soon as possible; that the said officers, respectively, be subject to the pains and penalties mentioned in the resolutions of the above date, for neglecting to take the said oaths or affirmations; and that the director of the hospitals take measures for carrying this resolution into immediate effect.

A motion being made by the delegates for South Carolina, for forwarding loan office certificates to the commissioner of the continental loan office for the State of South Carolina:

Resolved, That the Commissioners of the Treasury do immediately send forward to the Loan Office for the State of South Carolina and now established in North Carolina, Loan Office certificates to the amount of two millions of dollars.[1]

Ordered, That it be referred to a committee of five:

The members chosen, Mr. [James] Duane, Mr. [Thomas] Bee, Mr. [Jared] Ingersol, Mr. [Abraham] Clark and Mr. [Samuel] Adams.

Ordered, That the committee report whether it will in their opinion be proper to continue the loan open on the present establishment.

On motion of Mr. [John] Mathews, seconded by Mr. [James] Madison,

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office in the State of Pensylvania, for one hundred and twenty thousand dollars, in favour of Major General Greene; and for which he is to be accountable.

[1] This motion, in the writing of Thomas Bee, is in the *Papers of the Continental Congress,* No. 29, folio 193.

That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, in favour of Ephraim Blaine, commissary general of purchases, for six hundred thousand dollars, for the purchase of beef for the army; and for which sum the said E. Blaine is to be accountable.

On motion of Mr. [James] Lovell, seconded by Mr. [Samuel] Adams,

Resolved, That the hon. John Adams be, and hereby is, authorised and instructed to accept the bills of exchange drawn on the hon. Henry Laurens, in pursuance of the resolution of Congress of the 6th instant, in the same manner as he is authorised and instructed to accept those heretofore drawn on Mr. Laurens, according to the resolution of November 23d, 1779; [and in case of the absence of Mr. Adams, the authority hereby granted be, and is hereby, extended to the hon. Francis Dana].[1]

A petition of Oliver Bowen was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Ezekiel] Cornell, Mr. [George] Walton and Mr. [Willie] Jones.

A letter, of this day, from Baron Steuben, M. G. was read.[2]

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of James Wilkinson, cloathier general, approved by the Board of War, a warrant issue on the treasurer in his favour, for fifty thousand dollars, for the contingent expences of his office; and for which the said James Wilkinson is to be accountable.

That on the application of Benjamin Armitage, superintendant of the paper making, a warrant issue on the treas-

[1] This motion, in the writing of James Lovell, except the portion in brackets, which is the writing of James Duane, is in the *Papers of the Continental Congress*, No. 36, I, folio 107.

[2] This letter is in the *Papers of the Continental Congress*, No. 164, folio 198.

urer in his favour, for eight thousand dollars, for which he is to be accountable.

That on the application of D. C. Claypoole, printer to Congress, a warrant issue on the treasurer in his favour, for eight thousand dollars, to be advanced to John Dean, ~~to enable him to proceed in the binding of the 4th volume of the Journals of Congress,~~ and for which the said David C. Claypoole is to be accountable.

That on the application of Nathan Jones Clerk in the War Office, a warrant issue on the Treasurer in his favor for one hundred and twenty five dollars specie, or current money equivalent in full of his salary for his services from the 17th of July last until the 17th of Octr instant, being one quarter of a year.

Postponed

Whereas Francis Lewis one of the Commissioners of the Board of Admiralty has made application by letter to this Board for nine months salary. The Board being embarrassed respecting this application and others of a similar nature, beg leave to submit Mr Lewis' letter to the consideration of Congress, in order that they may determine not only what shall be considered equivalent to specie but also to what period the salaries established by the resolutions of the thirteenth and twenty fifth of Septr last shall have retrospect.

They further beg leave to bring to the recollection of Congress their Report on this subject of the 14th of October instant. The Board having considered the Extract of a letter from Major Genl Schuyler dated the 10th of October 1780, referred to them by Congress beg leave to report

That a warrant issue on his excellency George Clinton, governor of the State of New York, in favour of Philip Schuyler, Esquire, for seventy five dollars specie, to enable the commissioners for Indian affairs in the northern department to pay the Oneidas that sum for snow shoes; and for which the said commissioners are to be accountable.

~~That a warrant issue on Abraham Yates, Esquire, commissioner of the Continental loan office for the State of New York, in favor of Mr. Dow, for one thousand dollars in the bills of credit emitted pursuant to the Act of Congress of the 18th of March last (being part of the~~

~~bills aforesaid subject to the orders of Congress) to enable the said Mr. Dow to discharge the debts duly contracted by the commissioners for Indian affairs in the Northern Department, and for which the said commissioners are to be accountable.~~

The Board further represent upon the Extract aforesd That Congress not having decided on several reports from this Board for warrants on the respective Loan Officers for payments in the money of the last emission (which Genl Schuyler in the Extract aforesaid asks for) and this Board conceiving it not the intention of Congress that warrants should be drawn on the respective Loan Officers, beg to be instructed in this matter. At the same time they take the liberty to suggest to Congress, that a failure in the specific supplies to be furnished by the respective States, and the daily applications for money unconnected with those demands evince the necessity to draw money either from their respective Treasurers or Loan Officers, or from both as the occasion may be.[1]

Referred to the Committee on Ways and Means

Ordered, That the last paragraph of the report of 24th, be referred to the Committee of Estimates and Ways and Means.

Another report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Charles Pettit, assistant Q. M. G., accompanied with estimates approved by the Board of War, the following warrants issue in his favour on account of Colonel T. Pickering, Q. M. G., viz.

One on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts Bay, for forty thousand dollars in bills of credit emitted pursuant to the act of Congress, of the eighteenth of March last, part of the bills aforesaid, subject to the orders of Congress.

One on John Lawrence, commissioner of the continental loan office for the State of Connecticut, for five thousand dollars in the bills of credit aforesaid.

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 656.

One on Abraham Yates, commissioner of the continental loan office for the State of New York, for twenty thousand dollars, in bills of credit aforesaid, and

One on Joseph Borden, commissioner of the continental loan office for the State of New Jersey, for fifteen thousand dollars, in bills of credit aforesaid.

And one on Thomas Harwood Commissioner of the Continental Loan Office for the State of Maryland for fifteen thousand dollars in bills of credit aforesaid.

And one on the treasurer for two millions of dollars in bills of credit, emitted previous to the eighteenth of March last; for all which sums the said T. Pickering, Q. M. G. is to be accountable.

Ordered, That so much of the report as relates to a warrant on Thomas Harwood be re-committed.

Ordered, That a warrant issue on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts Bay, in favour of Ebenezer Sullivan, for one thousand six hundred and seventy one dollars, sixty one ninetieths of a dollar and three eights of a ninetieth, in bills of credit emitted in pursuance of the act of Congress, of the 18 March last, part of the said bills subject to the orders of Congress, in order to discharge the balance due on the account aforesaid.

~~*Resolved*, That a warrant issue on the Treasurer in favor of Charles Thomson Esqr Secretary of Congress for five thousand dollars in bills of credit pursuant to the act of Congress of the 18th of March last (part of the said bills subject to the orders of Congress) on account.~~[1]

That on the application of Mr. [William] Few, a delegate for the State of Georgia, a warrant issue on the treasurer in his favour for ten thousand dollars, for which the said State is to be accountable.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 661.

[2] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 663.

Agreeable to order, the Board of War made return of the arms in the several magazines.[1]

Congress resumed the consideration of the report of the Committee of Estimates and Ways and Means, and made some progress.

TREASURY OFFICE *October 28, 1780*

Upon the letter from the Board of War and Extract of a letter from Major General Gates referred by Congress—

The Board of Treasury beg leave to report

That they did express their sentiments on this subject in their report of the 13th instant on the accounts of Colo John White—That the Board are clearly of opinion with the Board of War—that Congress do appoint an Auditor of Accounts for the Southern Department[2]

Adjourned to 10 o'Clock on Monday.

MONDAY, OCTOBER 30, 1780

A letter, of 30th, from Major General Greene, was read;[3] Whereupon, it was moved by Mr. [John Morin] Scott, seconded by Mr. [John] Henry,

That as Major General Greene has expressed an earnest desire to have Doctor James McHenry as an aid de camp upon the southern command, the said Major General Greene be authorised to employ the said Doctor James McHenry as one of his aids, on his command in the southern department; and that the said Doctor McHenry while so employed be intitled to the rank of major by brevet.

On which, the yeas and nays being required by Mr. [Theodorick] Bland,

[1] The letter transmitting the return is in the *Papers of the Continental Congress*, No. 148, I, folio 207; the return is on folio 211.

[2] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 689. It is indorsed: "Mr. Dart appointed."

[3] This letter is in the *Papers of the Continental Congress*, No. 155, I, folio 451.

New Hampshire,		
Mr. Sullivan,	no	no
Massachusetts Bay,		
Mr. Adams,	no	no
Lovell,	no	
Ward,	no	
Rhode Island,		
Mr. Cornell,	no	no
Connecticut,		
Mr. Huntington,	no	no
New York,		
Mr. Duane,	ay	ay
Scott,	ay	
New Jersey,		
Mr. Fell,	no	no
Clark,	no	
Pennsylvania,		
Mr. Ingersol,	ay	ay
Matlack,	ay	
Maryland,		
Mr. Plater,	no	no
Hanson,	no	
Henry,	ay	
Virginia,		
Mr. Madison,	ay	no
Walker,	no	
Bland,	no	
North Carolina,		
Mr. Jones,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Mathews,	ay	ay
Bee,	ay	
Motte,	no	
Georgia,		
Mr. Walton,	ay	ay
Few,	ay	
Howly,	ay	

So it passed in the negative.

A letter, of this day, from Benjamin Walker, captain of 4 New York regiment and aid de camp to Major General Steuben, was read, upon reading which, and on the further representation and request of the delegates of New York,[1]

Ordered, That a warrant issue on the treasurer, in favour of the said delegates for fifteen thousand dollars, for the purposes mentioned in the said letter; and for which the said State is to be accountable.

A letter, of 28, from Major General Baron Steuben was read:[2]

Ordered, That it be referred to the Board of War.

A letter, of 27, from Mons. Marbois was read:[3]

[1] This letter is in the *Papers of the Continental Congress,* No. 78, XXIV, folio 271.

[2] This letter is in the *Papers of the Continental Congress,* No. 164, folio 194.

[3] This letter is printed in the *Diplomatic Correspondence of the American Revolution.* (Wharton), IV, 106.

Ordered, That it be referred to the Board of Admiralty.

A letter, of 18, from the council of Massachusetts Bay;

And one of the same date, from J. Bradford, were read:

Ordered, That the letter from Mr. Bradford be referred to the Board of Treasury.

A letter, of 29, from Colonel Armand, Marquis de la Rouerie, was read:

Ordered, That it be referred to the Board of War, and that the Board lay before Congress a list of the colonels in the line of the American Army with the dates of their respective commissions.

A letter, of 28, from Captain Thomas Farrell was read, with sundry papers enclosed:

Ordered, That the same be referred to the Board of War.

A letter, of 22, from Governor Jefferson was read, with sundry papers enclosed, informing that a fleet of the enemy has arrived in Chesapeak bay, and that they have debarked some light horse in the neighbourhood of Portsmouth:[1]

Ordered, That the same be referred to the committee on the letters from General Washington, Major General Greene and Colonel Pickering, Q. M. G.

The committee, to whom were referred the letters from General Washington, from Major General Greene and Colonel Pickering; and the committee, to whom was referred Mr. Lee's letter; and the committee on Colonel J. White's accounts, delivered in their respective reports:

Congress took into consideration the report of the committee on the letters from General Washington, Major General Greene and Colonel Pickering; and thereupon,

Resolved, That Congress approve the appointment, by the Commander in Chief, of Major General Greene to the com-

[1] The Massachusetts letter is in the *Papers of the Continental Congress,* No. 65, I, folio 464; that of Bradford in No. 78, IV, folio 33; that of Armand in No. 164, folio 420; that of Farrell in No. 78, IX, folio 339; that of Jefferson in No. 71, I, folio 475.

mand of the southern army, agreeably to their resolution of the 5th instant, and adopt his opinion, that the talents and service of Major General the Baron Steuben, inspector general, will be very useful in the southern department; to which he is, therefore, hereby directed to repair:

That the army for the said department do consist of all the regular regiments and corps raised or to be raised, from the states of Delaware to Georgia, inclusive, until the further orders of Congress or the Commander in Chief:

That all the powers heretofore given by Congress to Major General Gates, since his appointment to that command, be, and hereby are, continued and vested in Major General Greene; who is also to consider as instructions, all such resolutions as have been entered into by Congress since the time aforesaid, directing in any general or particular business respecting the said department.

That he have power also to organize and employ the army under his command, in the manner he shall judge most proper, subject to the control of the Commander in Chief:

That it be earnestly recommended to the legislatures and executives of the said states, respectively, to afford every necessary assistance and support, in men, cloathing, money, arms, intrenching tools, provisions, and other aids and supplies, to Major General Greene, who is hereby authorised to call for the same:

That the heads of the several staff departments for supplying the main army be, and hereby are, directed to furnish, to the order of Major General Greene, such articles as, upon inquiry, he shall find cannot be obtained in the southern department.

That in case of any operations in the department aforesaid on the part of the great ally of these states, or of his

Catholic Majesty, their friend, he be and hereby is empowered to co-operate therewith in the most effectual manner possible.[1]

And whereas it has been represented to Congress, that the commanding officer in the southern department entertains doubts respecting his powers, with regard to the exchange of prisoners:

Resolved, That he be, and hereby is, authorised to negotiate, from time to time, a cartel or exchange of prisoners, with the commanding officer of the British army in that department; provided such exchanges be not contrary to any general directions of Congress or the Commander in Chief.

Ordered, That copies of the foregoing resolutions be immediately transmitted to the executives of the said states, respectively.

Congress took into consideration the report of the committee on Colonel J. White's letters and papers; Whereupon,

The Committee to whom were referred the letters and papers of Colonel John White, Report.

That it appears that Colo. John White has unsettled accounts with the public, and that having previously obtained permission from the Commanding Officer of the Southern Department, he came to Philadelphia with a view to have the same finally settled, as well as to obtain some directions respecting the Georgia Brigade.

Your Committee therefore beg leave to report the following resolution:

Ordered, That a warrant issue on the treasurer in favour of Colonel John White, for fifteen thousand dollars advanced to him; and for which he is to be accountable. And that Colonel White be referred for the settlement of his accounts to the auditor general's office in the southern department.[2]

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of George Walton, is in the *Papers of the Continental Congress*, No. 19, VI, folio 309.

[2] This report, in the writing of Francis Kinloch, is in the *Papers of the Continental Congress*, No. 19, VI, folio 539.

TUESDAY, OCTOBER 31, 1780

A letter, of 25, from Governor Jefferson;

A letter, of 16 and 18, from Major General Gates, with sundry papers enclosed; and

A letter, of 6, from Governor Nash, were read.[1]

A letter, of 30, from the Board of War was read, respecting Major Lee's corps, and on motion of Mr. [John] Mathews, seconded by Mr. [Theodorick] Bland,

Resolved, That the pressing emergency of our southern affairs requiring as speedy a reinforcement of cavalry as possible, Major Lee's corps be ordered to proceed immediately on their route to join the southern army.

That Major Lee lay before the Board of War an exact return of the men, horses, arms, accoutrements and cloathing belonging to his corps, and that he leave a proper officer to receive such articles as may be wanting from the Board of War; and to forward them to the southern army when provided.

Ordered, That the letter from the Board of War, with the papers enclosed, be referred to a committee of three:

The members chosen, Mr. [Ezekiel] Cornell, Mr. [Theodorick] Bland and Mr. [John] Mathews.

A letter, of 26, from the Board of War was read:[2]

Ordered, That it be re-committed.

A letter, of this day, from E. Blaine was read:

Ordered, That it be referred to the committee on the letter, of 21, from General Washington.

A letter, of 29, from G. Morgan was read, with sundry papers enclosed:[3]

Ordered, That the same be referred to the Board of Treasury.

[1] Jefferson's letter is in the *Papers of the Continental Congress*, No. 71, I, folio 487; Gates's of the 16th and 18th in No. 154, II, folio 299; Nash's letter is in No. 72, folio 101.

[2] This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 203.

[3] This letter is in the *Papers of the Continental Congress*, No. 163, folio 351.

A letter, of this day, from R. Bache, postmaster general, was read, with sundry papers enclosed:

Ordered, That the same be referred to the Committee on the Post Office.

A report of the Board of Treasury, respecting a warrant in favour of Captain Thomas Farral was read:

TREASURY OFFICE *Octr 27 1780*

The Board of Treasury beg leave to report,

That a Warrant issue on the Treasurer in favor of Thomas Farrell Deputy Commissary of military stores in the Western department for ten thousand dollars, on account of his pay and necessary expences from Fort Pitt to Philadelphia and back again, agreeable to the orders of Col Brodhead, and for which sum the said Thomas Farrell is to be accountable[1]

Ordered, That it be referred to the Board of War.

Ordered, That two members be added to the Committee on the Post Office, in the room of Mr. [Roger] Sherman, who is absent, and Mr. [John] Walker, who desires to be excused from farther attendance:

The members chosen, Mr. [John] Henry and Mr. [Abraham] Clark.

Congress resumed the consideration of the report of the Committee of Estimates and Ways and Means; and after debate,

Ordered, That it be re-committed.

WAR OFFICE *October 31, 1780*

SIR

It does not appear to the board, that there is any resolution of Congress, authorizing the several States to make provision for such of their citizens who are officers of the army at large. The resolution of the 15 of March 1779 makes no provision for any officers but those attached to corps, the Aids de Camp among others are not comprehended in *that,* or any subsequent resolution, and as the board conceive it to be the intention of Congress, that the States respectively shall

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 663.

provide for all their citizens, who are Officers in the army of the United States, They beg leave to report,

Whereas there are many Officers of the army at large, who being citizens of some of these States, are not provided for by the States respectively to which they belong, because it does not appear that they have been comprehended in any resolution of Congress heretofore made on the subject.

Resolved, That it be recommended to the several States to make provision for all Officers, their citizens, holding military rank in the army of the United States tho' not attached to any regiment or corps, in the same manner with those officers, who belong to the regiments or corps counted to their respective quotas,[1]

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 1, 1780

A letter, of 29 October, from General Washington was read:

Ordered, That so much thereof as relates to Colonel D. Campbell be referred to the Board of War.

A letter, of this day, from Major General Greene was read; Whereupon,[2]

Resolved, That Congress will cause bills of exchange to be drawn upon the Minister of these United States at the Court of Versailles, at 90 days sight, to a sufficient amount to pay for 5000 suits of cloaths for the use of the southern army; provided the same can be obtained upon reasonable terms.[3]

On the question to agree to this, the yeas and nays being required by Mr. [James] Lovell,

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 625.

[2] Washington's letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 333; Greene's is in No. 155, I, folio 455.

[3] This resolve and the following entry up to the presentation of the letter of the Board of War by the delegates for North Carolina were entered also in the manuscript Secret (Domestic) Journal.

Massachusetts Bay,		
Mr. Lovell,	no	no
Ward,	no	
Rhode Island,		
Mr. Cornell,	ay	ay
Connecticut,		
Mr. Huntington,	ay	ay
New Jersey,		
Mr. Fell,	no	div.
Clark,	ay	
Pennsylvania,		
Mr. Ingersol,	ay	div.
Matlack,	no	
Maryland,		
Mr. Plater,	ay	ay
Hanson,	ay	
Henry,	ay	
Virginia,		
Mr. Madison,	ay	ay
Walker,	ay	
Bland,	ay	
North Carolina,		
Mr. Jones,	ay	ay
Hill,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Mathews,	ay	ay
Bee,	ay	
Motte,	ay	
Georgia,		
Mr. Walton,	ay	ay
Few,	ay	
Howly,	ay	

So it was resolved in the affirmative.

Ordered, That a committee of three be appointed to enquire upon what terms a contract can be made for the purpose above mentioned, and that the committee be directed also to enquire on what terms the same can be procured on condition to be paid for in specie at the end of one year after the war, with an interest of six per cent per annum in specie in the mean time, or in tobacco to be delivered in Virginia or Maryland by the first day of January, 1781.

The members chosen, Mr. [John] Hanson, Mr. [Ezekiel] Cornell and Mr. [Timothy] Matlack.

The delegates for North Carolina laid before Congress a letter, of October 17, from the Board of War of that State, which was read:[1]

Ordered, That it be referred to the Board of War.

The Board of War, to whom was referred a report of the Board of Treasury, respecting Captain Thomas Farral, delivered in a report; Whereupon,

[1] This letter is in the *Papers of the Continental Congress,* No. 78, XVI, folio 97.

War Office *Nov.r 1. 1780*

Sir,

The board having considered the extract of the report of the Board of Treasury, referred to them, beg leave to observe to Congress that the Mr Farrall therein mentioned has been employed at Fort Pitt as a Dep.y Comm.y of Military Stores, upwards of sixteen months—in which time he has been sent to Philad.a on command and has received no pay—they therefore beg leave to report.

That a warrant issue, &c. agreeable to the report of the Treasury board.[1]

Ordered, That a warrant issue on the treasurer in favour of Thomas Farral, deputy commissary of military stores in the western department, for ten thousand dollars, on account of his pay and necessary expences, from Fort Pitt to Philadelphia and back again, agreeably to the orders of Colonel Broadhead; and for which sum the said Thomas Farral is to be accountable.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Richard Philips, steward to the President of Congress, for fifteen thousand dollars, for the use of the President's household; for which sum the said steward is to be accountable.[2]

That a warrant issue on the treasurer in favour of Robert Patton, for thirteen thousand five hundred dollars, for the purpose of providing firewood for the use of Congress; and for which he is to be accountable.[3]

A letter, of 31 October, from the Board of War was read.[4]

A letter, of 31 October, from Peter R. Fell, one of the commissioners of the chamber of accounts, was read, requesting leave of absence for three or four months for the recovery

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 633.

[2] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 615a.

[3] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 703a.

[4] This letter is in the *Papers of the Continental Congress*, No. 147, IV, folio 629.

of his health, his salary to be discontinued during the time he is absent:[1]

Resolved, That his request be granted.

A letter, of 30 October, from W. Denning, one of the commissioners of the Board of Treasury;

And a letter, of 31 October, from the Board of Treasury, were read.[2]

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. [George] Walton, one of the delegates for the State of Georgia, a warrant issue on the treasurer in his favour, for fifteen thousand dollars; for which the said State is to be accountable.[3]

The Medical Committee delivered in a report; Whereupon,

The Medical Committee beg leave to Report—

That they have had under consideration an estimate of Hospital Stores, laid before them by the Purveyor by order of the Director of the Hospital: of which estimate, such parts as are approved of by the Committee, and in their opinion necessary to be procured they now lay before Congress, amounting by estimation to 4276 ⅔ dollars in specie: Whereupon they offer the following Resolution.

Ordered, That the sum of four thousand two hundred and seventy six dollars and sixty ninetieths of a dollar, in bills emitted pursuant to the resolution of the 18th of March last, be advanced to Thomas Bond, purveyor of the general hospital, to enable him to purchase the stores mentioned in an estimate approved by the Medical Committee; and that the Board of Treasury report a draught or draughts for that purpose.[4]

[1] This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 343.

[2] Denning's letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 309; the letter of the Board of Treasury is in No. 136, IV, folio 699.

[3] This report is in the *Papers of the Continental Congress* No. 136, IV, folio 703.

[4] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 22, folio 29.

The committee, to whom was referred the report of the Board of Treasury of 14 October, delivered in a report, which was read:

The Committee to whom was referred the Report from the Treasury of the 14th of October beg leave to Report—

That the money mentioned therein to have been received into the Treasury (in specie) from the Commonwealth of Virginia, was received at the rate of seventy five for one, as part of the said State's quota, and that the said specie was paid into the Treasury at sundry times, by the agents of a gentleman who was indebted to the said State, as will appear from information obtained from the Commissioners of the Treasury which is hereto annexed, and which your Committee beg leave to make part of their Report—

Vide information from the Commissioners &c.

Your Committee being clearly of opinion, that the receiving specie into the Treasury, either from a State as its quota, or an individual debtor to a particular State, or to the United States, at a higher rate than the difference allowed between money of the old and new emissions by the Resolution of Congress of the 18th of March last, would be most destructive to the credit of the new emission, and have a fatal tendency to depreciate it, they therefore submit the following Resolution—

Resolved, that the Commissioners of the Treasury take especial care, that all debts due to the United States treasury or moneys deposited there be received at no higher rate than that fixed by the resolution of March last—

Resolved, that the State of Virginia be informed, that the money paid into the Treasury in specie at the supposed depreciation of seventy five for one, by the agents of Mr Carter Braxton cannot be received consistently with the faith of the United States pledged by Congress in their Resolution of the 18th of March 1780 at any higher rate than is therein specified. Congress is nevertheless sensible, that the specie paid into the Treasury at the above depreciation was not paid by any order, or warranted by a connivance of that State, but was an act of an Individual intermediately discharging a debt due from him to the State and to be paid into the Continental Treasury from the State—which was unguardedly permitted to be paid at the current depreciation by the Commissioners of the Treasury, and is now ready to be refunded, on receiving an equivalent in

Continental money, according to the Resolution of Congress of March last.[1]

Ordered, That it be re-committed.

The committee appointed to prepare a memorial to the Court of Versailles delivered in a report, which was read:

Ordered, That it be re-committed.

Adjourned to 10 o'clock to Morrow.

THURSDAY, NOVEMBER 2, 1780

The Committee on the Post Office laid before Congress an affidavit of Edmund Darrow, respecting the capture of the mail to the eastward, on the night of 20 October last in Stratford:

Ordered, That it be referred to the Committee on the Post Office.

A letter, of 26 October, from Governor Jefferson of Virginia;

Also a letter, of 27, from the same to the delegates of that State, were read.[2]

Ordered, That they be referred to the Board of War, to take order.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 3, 1780

A letter, of 2, from Major General Greene was read:

Ordered, That it be referred to the Board of War.

A letter, of 3, from Major General Greene was read.

A petition of J. Loring, late lieutenant colonel of 3 Massachusetts Regiment, was read; after debate,

Ordered, That the consideration thereof be postponed.

[1] This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 136, IV, folio 623. The information from the Commissioners of the Board of Treasury is on folio 635.

[2] The letter of October 26 is in the *Papers of the Continental Congress*, No. 71, I, folio 491; that of October 27 is on folio 495.

A letter, of 25 October, from Major General McDougal was read:

Ordered, That it be referred to the committee on his letter of 15th September last.

An account of Captain Leonard Cooper and of Ensign William Spencer was laid before Congress:

Ordered, That it be referred to the Board of War.

A letter, of 2d, from J. Boreman, deputy paymaster in the western district, was read: [1]

Ordered, That so much thereof as relates to his pay be referred to the committee on the letters of 23 October from the commissioners of the Board of War, and that the remainder be referred to the Committee of Estimates and Ways and Means.

The Board of War, to whom was referred the letter, of 11 October, from Colonel Baldwin, delivered in a report; Whereupon,

Resolved, That Colonel Jeduthun Baldwin continue to receive the pay of colonel of engineers as heretofore.[2]

A letter, of this day, from Major General Greene was read; Whereupon,

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office in the State of Pensylvania, in favour of Major General Greene, for sixty thousand dollars, for which the said Major General Greene is to be accountable.

A letter, of this day, from Charles Lee, secretary to the Board of Treasury, was read, signifying his desire to resign: [3]

[1] Greene's letter of November 2 is in the *Papers of the Continental Congress*, No. 155, I, folio 459; that of November 3 on folio 467; McDougall's letter is in No. 161, folio 127; Boreman's letter is in No. 78, IV, folio 37.

[2] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 637. Another copy as an extract from the minutes is in No. 19, I, folio 193.

[3] Greene's letter is in the *Papers of the Continental Congress*, No. 155, I, folio 463; that of Charles Lee is in No. 78, XIV, folio 383.

Resolved, That his resignation be accepted.

A report from the Board of Treasury was read; Whereupon,

Ordered, That upon the application of James McCall and Jonathan Burral, extra commissioners of accounts, for travelling expences and other contingent expences of their office, a warrant issue on the treasurer, for fifteen thousand dollars for the purposes aforesaid; and for which they are to be accountable.

That on the application of Jonathan Burral, one of the extra commissioners of accounts, a warrant issue on John Lawrence, commissioner of the continental loan office for the State of Connecticut, for five hundred dollars, on account of his salary, in bills of credit emitted pursuant to the act of Congress, of the 18 of March last; and for which the said Jonathan Burral is to be accountable.

That on the application of James McCall, the other extra commissioner of accounts, a warrant issue on John Lawrence, commissioner of the continental loan office for the State of Connecticut, for five hundred dollars on account of his salary, in bills of credit emitted pursuant to the act of Congress, of the 18 of March last; and for which the said James McCall is to be accountable.

Ordered, That a warrant issue on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts Bay, in favour of John Scollay, for one thousand two hundred and sixty two dollars and 56/90, in bills of credit emitted pursuant to the act of Congress, of the 18 of March last, part of the bills aforesaid subject to the orders of Congress, in discharge of an account exhibited by the said John Scollay and approved by the executive council of the State of Massachusetts Bay for the board of Major General Warren's children.[1]

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 705.

TREASURY OFFICE *October 30, 1780*

The Board of Treasury beg leave to report

That they have considered the memorial of Ralph Pomeroy referred to them and submit the following facts—That the said Ralph Pomeroy was appointed a Commissioner to settle and pay arrearages of clothing due to the Troops of the United States for the year 1777, to be allowed the pay of an auditor of the army fixed by the resolution of Congress of the 5th of May 1778 at 5 dollars per diem, and by the resolve of Congress of the 3d of Septr following 50 dollars per month subsistance—That the said R. Pomeroy has received at sundry times from the Board of War and Pay Master General several sums which he credits in his account against the United States. The following Resolution is therefore submitted:

Resolved, That the Board of Treasury be authorized to direct the liquidation of the accounts of Ralph Pomeroy agreeable to the Table of Depreciation under the resolution of the 28th of June last, and to report a warrant in favor of the said R. Pomeroy for the balance, in the new bills emitted under the Resolution of Congress of the 18th of March last[1]

Ordered, That so much of the report as relates to R. Pomeroy be referred to the committee on the letters, of 23 October, from the commissioners of the Board of War.

A report from the Board of Admiralty was read; Whereupon,

The Board of Admiralty beg leave to Report to Congress, that agreeable to a Resolution of Congress of the 25th of August, they agreed to retain Mr Stone, a Pilot belonging to the State of South Carolina, and one of the four mentioned in the said Resolution, and to allow him fifty Dollars pr Day until the farther orders of Congress

The Board have been applied to by Mr Stone for payment of his wages according to the above agreement, but not having any money in their hands which can possibly be spared for that purpose, they are under the necessity of representing this matter to Congress.

ADMIRALTY OFFICE *Novr 2d 1780.*[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 695.

[2] This report is in the *Papers of the Continental Congress*, No. 37, folio 443.

Ordered, That a warrant issue on the treasurer, in favour of the Board of Admiralty for ~~three~~ four thousand ~~four hundred and fifty~~ dollars, to defray the wages due to Mr. Stone who was retained agreeably to the resolution of 25 August last, and that the Board no longer retain him in service.

A report from the Board of Admiralty was read:

ADMIRALTY OFFICE *21st October 1780.*

The Board of Admiralty beg leave to Report, that agreeably to the Resolution of Congress of the 5th Instant, The following instructions conformable to the principles contained in the declaration of the Empress of all the Russias, on the rights of Neutral Vessels, be given to Commanders of Armed Vessels Commissioned by the United States.

Instructions to be observed by Masters and Commanders of all Armed Vessels Commissioned by the United States.

1st You are to suffer all Neutral Vessels freely to navigate on the high Seas, or Coasts of America, excepting such as are carrying contraband goods, or soldiers to the Enemies of the United States.

2dly You are not to seize or capture any effects belonging to the subjects of Belligerant Powers on board Neutral Vessels except contraband goods.

3dly These Instructions, and the principles on which they are grounded, shall serve as a rule of proceedings in the United States aforesaid, on the legality of Prizes.

The Board beg leave to refer Congress to the Second article of the inclosed printed instructions as also to the XXVI article of the Treaty of Amity and Commerce concluded with his Most Christian Majesty, wherein the several articles of contraband are enumerated, and may with the approbation of Congress be inserted.[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] Duane, Mr. [Samuel] Adams and Mr. [George] Plater.

A letter, of 3d, from J. Carleton, secretary to the Board of Ordnance, was read:[2]

Ordered, To lie on the table.

[1] This report is in the *Papers of the Continental Congress,* No. 37, folio 447.

[2] This letter is in the *Papers of the Continental Congress,* No. 60, folio 11.

A letter from the honorable the Minister of France was read:[1]

Ordered, That it be referred to the Board of Admiralty.

Resolved, That the consul to be appointed to reside in France be allowed a salary of fifteen hundred dollars per annum, in lieu of all commissions for business done on account of the United States.

The committee, to whom was referred General Washington's letter, of 7th of October, delivered in a report, which being read, Congress came to the following resolution:

Whereas Congress have received information that John Paulding, David Williams, and Isaac Van Wert, three young volunteer militia men of the State of New York, did, on the 23d day of September last, intercept Major John André, adjutant general of the British army, on his return from the American lines, in the character of a spy; and, notwithstanding the large bribes offered them for his release, nobly disdaining to sacrifice their country for the sake of gold, secured and conveyed him to the commanding officer of the district, whereby the dangerous and traiterous conspiracy of Benedict Arnold was brought to light, the insidious designs of the enemy baffled, and the United States rescued from impending danger:

Resolved, That Congress have a high sense of the virtuous and patriotic conduct of the said John Paulding, David Williams, and Isaac Van Wert.

In testimony whereof,

Ordered, That each of them receive annually, out of the public treasury, 200 dollars in specie, or an equivalent in the current money of these states, during life; and that the Board of War procure for each of them a silver medal, on one side of which shall be a shield with this inscription, "Fidelity,"

[1] This letter, dated November 1, 1780, is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 111.

and on the other the following motto, "Vincit amor patriæ," and forward them to the Commander in Chief, who is requested to present the same, with a copy of this resolution, and the thanks of Congress for their fidelity and the eminent service they have rendered their country.[1]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, NOVEMBER 4, 1780

Two letters, of 30 October, from Colonel Pickering were read:[2]

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark and Mr. [Theodorick] Bland.

A letter, of this day, from J. Lawrence, judge advocate general, was read:[3]

Ordered, That it be referred to the committee on the letter, of 23 October, from the Board of War.

A letter, of this day, from the Board of War was read, enclosing a letter, of 26 October, from Colonel Butler at Wioming:

Ordered, That the same be referred to the committee on the letter, of 21 October, from General Washington.

The Board of War, to whom was referred the letter, of 30 October, from Colonel Armand, delivered in a report; Whereupon,

WAR OFFICE, *November 2, 1780*

Present Mr Peters, Col. Grayson

The board having taken into their consideration the letter from Col. Armand on the subject of his promotion beg leave to refer Congress to their letter of the 18th of January last, which contains all they can say on the occasion, except, that since the letter was written, Col. Armand has served another campaign with reputation, and that

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, VI, folio 311.

[2] These letters are in *the Papers of the Continental Congress*, No. 192, folios 37 and 41.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 385.

some promotions have since taken place, Col. Morgan's particularly, which in some measure lessen the weight of the objections to his advancement.[1]

Resolved, That Colonel Armand be informed that Congress, from a sense of his merit and services, have already made an honorable provision for him; and that it is inconsistent with the arrangement of the army to grant him the promotion which he solicits.

The committee, to whom was re-committed the report of the committee on estimates and supplies, brought in their report; whereupon, Congress passed the following resolutions:

Resolved, That it be and hereby is recommended to the several states to levy, in the proportions hereafter mentioned, a tax, equal in value to six millions of silver dollars, to be paid partly in the specific articles and at the prices hereafter enumerated, and the residue in gold or silver, or bills of credit emitted pursuant to the resolution of the 18 March last:

NEW HAMPSHIRE

2500 barrels of beef; at 17 1-2 dollars per barrel.
6000 hundred weight of beef; at 5 1-2 dollars per hundred weight.
2000 hundred weight of beef; at 8 dollars per hundred weight.
20124 gallons of West India rum, full proof; at 1 2-3 dollars per gallon; and the balance of forty seven thousand six hundred and twenty three dollars in money.

MASSACHUSETTS BAY

16000 barrels of beef; at 17 1-2 dollars per barrel.
2000 barrels of pork; at 22 dollars per barrel.
29250 hundred weight of beef; at 5 1-2 dollars per hundred weight.
9750 hundred weight of beef; at 8 dollars per hundred weight.
74576 gallons of West India rum, full proof; at 1 2-3 dollars per gallon.
13000 bushels of salt; at 3 dollars per bushel;
and the balance of two hundred and seventy three thousand eight hundred and thirty one dollars and two thirds of a dollar in money.

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 639.

RHODE ISLAND AND PROVIDENCE PLANTATIONS

900 barrels of beef; at 17 1-2 dollars per barrel.
83 barrels of pork; at 22 dollars per barrel.
1500 hundred weight of beef; at 5 1-2 dollars per hundred weight.
500 hundred weight of beef; at 8 dollars per hundred weight.
20000 gallons of West India rum, full proof; at 1 2-3 dollars per gallon;
and the balance of twenty three thousand seven hundred and ninety seven dollars and 2-3 of a dollar in money.

CONNECTICUT

15000 barrels of beef; at 17 1-2 dollars per barrel.
3500 barrels of pork; at 22 dollars per barrel.
18750 hundred weight of beef; at 5 1-2 dollars per hundred weight.
6250 hundred weight of beef; at 8 dollars per hundred weight.
25000 gallons of West India rum, full proof; at 1 2-3 dollars per gallon.
813 bushels of salt; at 3 dollars per bushel;
and the balance of two hundred and two thousand three hundred and ninety nine dollars and 1-3 in money.

NEW YORK

2800 barrels of beef; at 17 1-2 dollars per barrel.
1500 barrels of pork; at 22 dollars per barrel.
16000 barrels of flour; at 9 dollars per barrel.
1320 hundred weight of beef; at 5 1-2 dollars per hundred weight.
441½ hundred weight of beef; at 8 dollars per hundred weight;
and the balance of eighty nine thousand two hundred and ninety five dollars in money.

NEW JERSEY

3000 barrels of beef; at 17 1-2 dollars per barrel.
4000 barrels of pork; at 22 dollars per barrel.
12000 barrels of flour; at 9 dollars per barrel.
4000 hundred weight of beef; at 5 1-2 dollars per hundred weight.
1333 hundred weight of beef; at 8 dollars per hundred weight.
996 bushels of salt; at 3 dollars per bushel;
and the balance of one hundred and seven thousand one hundred and fifty two dollars in money.

PENNSYLVANIA

3000 barrels of beef; at 17 1-2 dollars per barrel.
2000 barrels of pork; at 22 dollars per barrel.
1500 hundred weight of beef; at 5 1-2 dollars per hundred weight.
500 hundred weight of beef; at 8 dollars per hundred weight.
55000 barrels of flour; at 9 dollars per barrel.
50000 gallons of West India rum, full proof; at 1 2-3 dollars per gallon.
13028 bushels of salt; at 3 dollars per bushel;
and the balance of two hundred and seventy three thousand eight hundred and thirty two dollars and 2-3 in money.

DELAWARE

800 barrels of pork; at 22 dollars per barrel.
3471 barrels of flour; at 9 dollars per barrel.
2000 gallons West India rum, full proof; at 1 2-3 dollars per gallon.
500 bushels of salt; at 3 dollars per bushel;
and the balance of twenty thousand two hundred and forty dollars and two thirds of a dollar in money.

MARYLAND

4800 barrels of beef; at 17 1-2 dollars per barrel.
5500 barrels of pork; at 22 dollars per barrel.
20000 barrels of flour; at 9 dollars per barrel.
9000 hundred weight of beef; at 5 1-2 dollars per hundred weight.
3000 hundred weight of beef; at 8 dollars per hundred weight.
17007 gallons West India rum, full proof, at 1 2-3 dollars per gallon.
4000 bushels of salt; at 3 dollars per bushel;
and the balance of one hundred and eighty eight thousand one hundred and eleven dollars in money.

VIRGINIA

9000 barrels of beef; at 17 1-2 dollars per barrel.
10617 barrels of pork; at 22 dollars per barrel.
7529 barrels of flour; at 9 dollars per barrel.
23670 hundred weight of beef; at 5 1-2 dollars per hundred weight.
7890 hundred weight of beef; at 8 dollars per hundred weight.
70292 gallons of West India rum, full proof; at 1 2-3 dollars per gallon.

6673 bushels of salt; at 3 dollars per bushel;
and the balance of two hundred and ninety seven thousand six hundred and forty five dollars in money.

NORTH CAROLINA

3000 barrels of beef; at 17 1-2 dollars per barrel.
5000 barrels of pork; at 22 dollars per barrel.
6000 barrels of flour; at 9 dollars per barrel.
7500 hundred weight of beef; at 5 1-2 dollars per hundred weight.
2500 hundred weight of beef; at 8 dollars per hundred weight.
991 bushels of salt; at 3 dollars per bushel.
21000 gallons of West India rum, full proof; at 1 2-3 dollars per gallon.
and the balance of one hundred and nineteen thousand and sixty dollars in money.[1]

Resolved, That the articles aforesaid be delivered by the respective states on or before the several days hereafter mentioned, at such place or places, within the respective states, as the Commander in Chief shall direct, viz.

BY NEW HAMPSHIRE

2500 barrels of beef, 3000 gallons of rum, on or before the 1st day of January, 1781.
1500 gallons of rum, on or before the 1st day of March, 1781.
3000 gallons of rum, on or before the 1st day of May, 1781.
12624 gallons of rum, on or before the 15th day of July, 1781.

BY MASSACHUSETTS BAY

16000 barrels of beef, 2000 barrels of pork, 18000 gallons of rum, 2000 bushels of salt, on or before the 1st day of January, 1781.
9000 gallons of rum, 1000 bushels of salt, on or before the 1st day of March, 1781.
18000 gallons of rum, 2000 bushels of salt, on or before the 1st day of May, 1781.

[1] The original rough draft upon which this report was based is in the *Papers of the Continental Congress*, No. 26, folio 11. A note is added: "N. B. No provision is made in the foregoing estimate for forage as it was in the opinion of your committee impracticable to procure that article by proportioning it on the several states as heretofore. They therefore recommend that it be purchased by the Q. M. General out of the moneys arising by the foregoing tax." Another draft is in No. 34, folio 3.

29576 gallons of rum, 8000 bushels of salt, on or before the 15th day of July, 1781.

BY RHODE ISLAND

900 barrels of beef, 83 barrels of pork, 3000 gallons of rum, on or before the 1st day of January, 1781.
1500 gallons of rum, on or before the 1st day of March, 1781.
3000 gallons of rum, on or before the 1st day of May, 1781.
12508 gallons of rum, on or before the 15th day of July, 1781.

BY CONNECTICUT

15000 barrels of beef, 3500 barrels of pork, 4000 gallons of rum, on or before the 1st day of January, 1781.
2000 gallons of rum, on or before the 1st day of March, 1781.
4000 gallons of rum, on or before the 1st day of May, 1781.
15000 gallons of rum, 813 bushels of salt, on or before the 15th of July, 1781.

BY NEW YORK

2800 barrels of beef, 1500 barrels of pork, 4000 barrels of flour, on or before the 1st day of January, 1781.
2000 barrels of flour, on or before the 1st day of March, 1781.
4000 barrels of flour, on or before the 1st day of May, 1781.
6000 bushels of flour, on or before the 15th of July, 1781.

BY NEW JERSEY

3000 barrels of beef, 4000 barrels of pork, 2000 barrels of flour, on or before the 1st day of January, 1781.
1000 barrels of flour, on or before the 1st of March, 1781.
2000 barrels of flour, on or before the 1st of May, 1781.
7000 barrels of flour, 996 bushels of salt, on or before the 15th day of July, 1781.

BY PENNSYLVANIA

3000 barrels of beef, 2000 barrels of pork, 6000 barrels of flour, 9000 gallons of rum, 2000 bushels of salt, on or before the 1st day of January, 1781.
3000 barrels of flour, 4500 gallons of rum, 1000 bushels of salt, on or before the 1st day of March, 1781.
6000 barrels of flour, 9000 gallons of rum, 2000 bushels of salt, on or before the 1st day of May, 1781.

40000 barrels of flour, 27500 gallons of rum, 8028 bushels of salt, on or before the 15th day of July, 1781.

BY DELAWARE

800 barrels of pork, 500 barrels of flour, on or before the 1st day of January, 1781.

250 barrels of flour, on or before the 1st of March, 1781.

500 barrels of flour, on or before the 1st of May, 1781.

2221 barrels of flour, 2000 gallons of rum, 500 bushels of salt, on or before the 15th day of July, 1781.

BY MARYLAND

4800 barrels of beef, 5500 barrels of pork, 2500 barrels of flour, 800 gallons of rum, 1000 bushels of salt, on or before the 1st day of January, 1781.

1250 barrels of flour, 400 gallons of rum, 500 bushels of salt, on or before the 1st day of March, 1781.

2500 barrels of flour, 800 gallons of rum, 1000 bushels of salt, on or before the 1st day of May, 1781.

13750 barrels of flour, 15007 gallons of rum, 1500 bushels of salt, on or before the 15th day of July, 1781.

BY VIRGINIA

9000 barrels of beef, 10617 barrels of pork, 2500 barrels of flour, 11000 gallons of rum, 1000 bushels of salt, on or before the 1st day of January, 1781.

1250 barrels of flour, 5500 gallons of rum, 500 bushels of salt, on or before the 1st day of March, 1781.

2500 barrels of flour, 11000 gallons of rum, 1000 bushels of salt, on or before the first day of May, 1781.

1279 barrels of flour, 42792 gallons of rum, 4173 bushels of salt, on or before the 15th day of July, 1781.

BY NORTH CAROLINA

3000 barrels of beef, 5000 barrels of pork, 2000 barrels of flour, 4000 gallons of rum, on or before the 1st day of January, 1781.

1000 barrels of flour, 2000 gallons of rum, on or before the 1st day of March, 1781.

2000 barrels of flour, 4000 gallons of rum, on or before the 1st day of May, 1781.

1000 barrels of flour, 11000 gallons of rum, 991 bushels of salt, on or before the 15th of July, 1781.

Resolved, That each barrel of beef contain 240 pounds net; each barrel of pork contain 220 pounds net; each barrel of flour contain 224 pounds net:

That the beef on foot be delivered at such times and places as the commissary general shall order.

Resolved, That a return be made on the days aforesaid, respectively, to the Board of War, and duplicates to the commissary general.

Resolved, That the sums of money above mentioned be paid into the treasury of the United States, in four equal quarterly payments, and that the first payment be made on the 1st day of May, 1781.[1]

Resolved, That pork be received from any state in lieu of beef, or beef in lieu of pork, in quantities proportioned to the prices annexed to each, by the resolution of Congress of the 25th of February last:

That continental rum, or other spirits suitable for the army, be received in lieu of West India rum, in proportion to the prices assigned to each by the said resolutions,

That Indian meal, well sifted or bolted, be received in lieu of flour, in the proportion of 1½ pound of the former for one pound of the latter, to be issued to the army in the same proportion; provided that no Indian meal be thus commutable after the first day of March, without the approbation of the officer commanding in the department.

Resolved, That if it shall appear, on an adjustment of the quotas of the several states, that any State has supplied more than its due proportion in value, every such State shall be paid the value of the surplus at the rates aforesaid, in specie, with interest at six per centum per annum, from the

[1] This report is in the *Papers of the Continental Congress*, No. 34, folio 7. From this point the entries are by George Bond.

time such surplus shall have been deposited as above directed; and every State which shall have failed to supply its due proportion, shall be charged with the deficiency at the rates aforesaid, and the like interest thereon, from the time that the same ought to have been deposited.

Congress proceeded to the election of a consul to reside in France, and the ballots being taken, William Palfrey Esq[r] was elected.

Ordered, That the Board of Treasury cause payment to be made of the bill drawn by Major General Lincoln, for fifteen thousand dollars, in favor of Stephen Drayton, D. Q. M. G. and endorsed to Mr. J[ohn] Mathews.[1]

[The Committee to whom General Wilkinson's Letter respecting the Cloathier's Department was referred, beg leave to submit the following Resolution, viz.

Resolved, That all the rules and regulations respecting the Cloathier's Department be and hereby are repealed;

And That it be recommended to the several States to furnish their Troops respectively with Cloathing until the ~~fifteenth~~ first day of ~~April~~ July next;

That all State Purchases of Cloathing on Continental account and all State appointments and regulations in the Cloathing Department be abolished on the said ~~15th~~ first day of ~~April~~ July next—at or before which time the Sub and agent Cloathiers are to deliver to the Cloathier General or his order all Cloathing procured at Continental Expence which they may then have on hand, taking his Receipt therefor, a Duplicate whereof to be Transmitted to the ~~Chamber of Accounts~~ Board of Treasury.

~~That an assistant Cloathier be appointed by the Cloathier General for whose conduct he is to be answerable.~~

That the Cloathier General at or before the 1st day of June annually make and deliver in to the Board of War an Estimate of Cloathing and disbursements for Cloathing for a year from the first day of ~~January~~ November then next, That Congress may be enabled to furnish the proper sums and adopt the necessary measures for procuring the same.]

[1] Here Charles Thomson resumes the entries.

That the Clothier General be authorized to appoint ~~with the approbation of the Board of War~~ four purchasing Agents ~~and assign to each of them such districts as he shall think proper for~~ who are from time to time to receive his instructions for procuring necessary Articles of Clothing. The Clothier General to have the immediate control over said Agents and is to be responsible for their conduct, ~~And to prevent a competition in purchasing He is to direct the said Agents to transmitt weekly estimates of the prices of Articles in their respective Departments, that the Clothier General, in conjunction with the Board of War may be enabled to make out an estimate of prices which, being received by said agents shall be the rule for governing their conduct in all their purchases.~~

That the clothing agents be and they are hereby directed to transmitt weekly general accounts of Prices of the Articles within their Department that the Clothier General with the Concurrence of the Board of War may so far as may be prevent Competition in Purchases and Extravagance in Prices.

That all non Commissioned Officers or soldiers Artificers and Waggoners who are or may hereafter be inlisted during the War be annually furnished with

One regimental Coat full made
One Cloth vest
One pr of Cloth Breeches and
One pr of wooling Overalls
Two pr of wooling Hose and two pr of wooling Socks
One felt Hat or leathern Cap
Four Shirts two pr of linnen Overalls
One Leathern or worsted Stock
Four pr of strong Shoes and one Blanket
One Rifle Shirt
One pr of wooling Gloves
Also 1 pr of Shoe Buckles and 1 Stock Clasp every two years.

The Dragoons to receive 2 pr of Boots and 1 pr of Spurs instead of the Shoes and Buckles and also a Horseman's Cloke every two years.

That summer Clothing be issued on the fifteenth Day of April annually and the winter Clothing on the first Day of November following, ~~and on those days annually during the War.~~

That the Clothier General deal out the Clothing Regimentally and keep regular accounts against the respective Regimental Clothiers,

taking particular Care to have the Clothing equally and impartially distributed when it is found incompetent for the whole Army.

That previous to the Days of General issue the Regimental Clothiers settle their accounts with the Clothier General and receive his Certificates of the Arrearages of Clothing due to their respective Regiments and present him with a return of the number of Men for whom Clothing is to be drawn on the day of General issue said return to be examin'd and certified by the Officers commanding their respective Regiments and signed by the Brigadier or Officer Commanding the Brigade.

That all extra issues for detachment or for accidental [loss] of Clothing be by Certificate of the Commanding Officer of the Regiment or detachment to which the non Commissioned Officers or Soldiers in whose behalf such application is made shall belong said Certificate being approved and signed by the Commander in Chief or Commanding officer of a seperate army.

That all Issues of clothing be made from the Magazines or Places of General Issue with the Army and to avoid the Necessity of detached Issues the officers commanding Parties or Detachments are to be answerable that they are supplied so far as may be from the Magazines or Stores ~~with the Army~~ at Camp previous to their leaving the army to which they belong. All articles imported from Europe to be received, and when necessary, made up and forwarded by the respective Agent Clothiers.

That no Article of Clothing be issued by the Clothier General his Deputies or Assistants but by returns and Certificates made and approved as aforesaid.

That no non Commissioned Officer Soldier Artificer or Waggoner who is not engaged during the War or for the term at least of one year be furnished with any Article of Clothing.

That the Clothier General from time to time notify the pay Master General of all surplusages of Clothing specifying the corps to which they belong.

That stopages may be made therefor.

That the Clothier General be authorized to appoint six Deputies and employ one Clerk and one Labourer with each allowing no more than current wages to the Clerks and Labourers.

That he make return to ~~Congress of~~ the Board of War of all Clothing on hand and Persons employed in the department with the wages given to each regularly once in every two months.

That the Clothing Agents transmitt with every Parcell of Clothing purchased or imported and sent on to the Magazines an exact Invoice containing Quantities Species and, if purchased, Prices.

That if at any Time it shall be necessary in the opinion of the Board of War to make purchases of Articles out of the Clothing Department the same shall be done by the Agent Clothiers under the special orders of the said Board.

That the pay of Persons employed in the Clothing department be as follows Viz:

The Clo Genl pr annum	2500 Dol^{rs}	
~~The Assistant Clothier~~	~~1000~~	
A deputy	~~800~~	1500
An Agent	~~800~~	1500
Clerks	500	

[The Committee beg Leave To Submit the following Resolution, viz:

Resolved, That on the application of James Wilkinson Esqr Cloathier General approved by the Board of War a warrant issue in his favor on Thomas Smith, Esqr ~~Treasurer~~ Commissioner of Loans for the State of Pensylvania for four Thousand Dollars of the new emission to enable him to Discharge in part the Arrearages due the officers in the Cloathing Department for which sum the said Wilkinson is to be accountable.] [1]

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 6, 1780

The delegates for Connecticut laid before Congress the credentials of their appointment, which were read, as follows:

[SEAL.] At a General Assembly of the Governor and Company of the State of Connecticut in America holden at Hartford on the second Thursday of May Anno Dom 1780

This Day being appointed by Law, for the Choice of Delegates to represent this State at the Congress of the United States, Proclama-

[1] This report is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 257. The portions in brackets are in the writing of John Sullivan. It is indorsed by Thomson: "Report of the Com^{ty} on the letter of from the Clothier Genl Delivered Nov. 4, 1780; read.—Recommitted."

On this day was presented by the Board of War "A list of Colonels in the Service of the United States of America." It is in the *Papers of the Continental Congress*, No. 59, II, folio 193.

tion was now made in manner accustomed, and then the Votes of the Freemen were given in to the Persons appointed by the Assembly to receive sort and count them and declare the Names of the Persons legally chosen to the Office aforementioned; which Persons so appointed, were William Pitkin Esqr Mr John Treadwell Genl Andrew Ward Mr Thomas Niles Mr Amos Mead Col^o Jonathan Trumbull Col^o Benjamin Hinman and Mr Jonathan Fitch, who were sworn to a faithfull Discharge of that Trust.

And the Votes of the Freemen, being brought in, sorted and Counted, Samuel Huntington Esqr Oliver Elsworth Esqr Titus Hosmer Esqr Jesse Root Esqr Richard Law Esqr Oliver Wolcott Esqr Andrew Adams Esqr, were elected and publickly declared to be Delegates to represent this State in the Congress of the United States, according to Law.

A true Copy of Record
Examin^d
By George Wyllys *Secret^y* [1]

A letter, of 1, from General Washington was read, with sundry papers enclosed:[2]

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [James] Duane, Mr. [Richard] Howly and Mr. [William] Sharpe.

A letter, of 4, from F. Bailey was read:

Ordered, That it be referred to the Board of War.

A memorial of Charles Crowly was read:[3]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [George] Walton, Mr. [Abraham] Clark and Mr. [Willie] Jones.

The Board of War, to whom was referred the letter, of 2, from Major General Greene, delivered in a report, which was read; Whereupon,

[1] The original is in the *Papers of the Continental Congress*, Connecticut, *Credentials of Delegates*.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 339.

[3] This memorial, dated November 6, 1780, is in the *Papers of the Continental Congress*, No. 78, V, folio 505.

At a Board of War.

Present Mr Peters, Col. Grayson

The board have been honored with a reference from Congress of a letter from Major Genl Greene on the subject of the promotions of Major Lee and Captain Peyton in the Legion commanded by Major Lee. On a former application for promotions, the Board wrote to General Washington on the subject, and an extract of his letter in answer is inclosed. The request then went no further as to Major Lee than a desire to have the assistance of another field Officer or of two, if it could be done, and he to remain where he was. The proposed addition of Field Officers were Capt. McLane to be Major and to command the infantry, and Capt. Peyton to be Major and to command the cavalry under Major Lee. The General's objections were grounded on the formation of the Corps, and the jealousies the promotions would create among the Cavalry Officers. The objections as to the number of Field Officers seem to be obviated by the present formation of regiments, but whether the causes of jealousies have decreased (if these are to continue objections) we cannot determine. How other Officers of cavalry will be affected by Captain Peyton's promotion, not having an arrangement of the Cavalry, we cannot determine. It appears to us however, that there is a necessity of at least two field Officers in Major Lee's Legion and as he is the oldest Major in the Cavalry, and would have been promoted had he remained in the line, it should seem that he is entitled to the rank of a Lieutenant Colonel, whether it is, or is not proper to make any promotions until the proposed arrangement shall take place, we cannot undertake to decide, but submit to the determination of Congress with this observation that no promotion can be had in the line of the cavalry by the officers of an independent Legion, and their rising in their own Corps ought to cause jealousies no more than if a new regiment had been raised in which accidental preferences from casualties or length of service would happen. Should Congress be of opinion that the promotion should take place they will be pleased to resolve.

Resolved, That the partizan corps commanded by Major Lee in future have two field officers, a lieutenant colonel and a major.

Resolved, That Major Lee be, and hereby is, promoted to the rank of lieutenant colonel of cavalry in the army of the United States, retaining the command of his present corps:

That the farther arrangement of the said corps be referred to the ~~commanding officer of the Southern army~~ Commander in Chief, to take order.[1]

The committee to whom was referred the report of the Board of Treasury, on the memorial of R. Pomeroy, delivered in a report; Whereupon,

Resolved, That, in the liquidation of the accounts of Ralph Pomeroy, sole commissioner for settling and paying the arrears of cloathing for the army in 1777, the Board of Treasury be authorised to allow him a salary after the rate of twelve hundred dollars per annum, to be computed from the sixth day of March, 1779, being the time of his appointment to office, to the 14th of this instant November; and that the balance be paid to him in bills of the emission pursuant to the resolution of Congress of the 18 of March last, and a warrant reported accordingly, in his favor on John Lawrence, Esq. ~~treasurer of the~~ commissioner of the continental loan office in the State of Connecticut.[2]

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on Joseph Borden, commissioner of the continental loan office in the State of New Jersey, in favour of Thomas Bond, purveyor of the general hospital, for four thousand two hundred and seventy six dollars and 60/90, in bills of credit emitted pursuant to the act of Congress of the 18 of March last; for which sum the said Thomas Bond is to be accountable.

The Board having considered the letter from J Bradford of the 18th ult.º (referred to them by Congress) report,

That the Honorable Arthur Lee Esqr., be charged in the Treasury books with the monies supplied him by the said Mr Bradford in

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 643.

[2] This report, in the writing of James Duane, contained the resolution as adopted. It is in the *Papers of the Continental Congress*, No. 19, V, folio 201.

Boston—and that the Board are not competent to any instructions to be given Mr Bradford—respecting the sale of *the Goods* mentioned in the afsd letter.

The Board on the requisition of the Board of War of this day for one thousand two hundred and eighty dollars and 38/90 for the Commissary General of military stores further report—That a Warrant issue on Nathaniel Appleton Esqr Commissioner of the Continental Loan Office for the State of Massachusetts Bay, in favor of Colo Benj: Flower Commissary General of military stores, for the afsd sum of one thousand two hundred and eighty dollars and 38/90 in Bills of credit emitted pursuant to the Act of Congress of the 18th of March last to enable the said Commissary General to discharge the balance of Thomas Dickinson's account, claimed in the new Bills under the resolution of the 26th of August last, for which sum the afsd Colo Benj: Flower is to be accountable.

Passed November 22d

The Board further report,

That they have considered the letter from Colo George Morgan Commissary General of purchases in the western department dated Octr 29 last with its inclosures referred to them by Congress and are of opinion that the said letter and inclosures ought to be referred to the Board of War, as it appears by the afsd letter, that he has acted under the *particular* Directions of Congress *and that Board.*[1]

Ordered, That the Board of Treasury charge the hon. Arthur Lee, Esq. in their books, with the moneys supplied him by Mr. John Bradford; that so much of their report as relates to Col. George Morgan's accounts be re-committed, and that the Board be informed,

That interest heretofore paid on loan office certificates, under the resolutions of Congress previous to the 28 June last, was paid and received as full compensation for interest due, agreeably to the said resolutions, that all money loaned under the said resolutions was paid in on a dependence that the said resolutions would be complied with; and therefore that no retrospect in additional interest, where the interest

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 707.

has been duly paid agreeably to the resolutions aforesaid, ought to take place, but that from and after the 28 of June last, all interest on loan office certificates be paid agreeably to the resolution of the 28 June, on which the table for ascertaining the value of money loaned is founded.

ADMIRALTY OFFICE *November 6, 1780.*

SIR,

The Board beg leave to inform Congress, that as the time for which the *Trumbull's* Crew were engaged expires this day, Captain James Nicholson was yesterday sent down with instructions, to prevail upon the crew to continue in the ship for a short cruise, or that failing to go round with her to Boston, and be there discharged, but to neither of these proposals would they consent, peremptorily insisting upon their discharge according to contract, or they (the petty officers and crew) would immediately leave the ship. They at length consented to remain on board in order to bring the ship up to the City.

Captain Nicholson hath discovered that his Petty officers and Crew have been previously engaged to private Ships of War, and Merchant Ships fitting in this Port.

To prevent the same spirit, from influencing the *Deane's* Crew (who are inclined to take another cruise) Captain Nicholson, hath ordered her immediately to Reedy Island.

The Board deem it further necessary to inform Congress, that [of] a warrant issued on the Treasurer in their favor, dated the 5th of August for 700,000 Dollars, there remains 426,747.⅔ yet unpaid, without which it will be impossible to get the *Confederacy* and *Saratoga* equipped, additional provision will also be wanted for the *Deane* to proceed on a cruise.

Messrs Hill and Huntington being absent, the Admiralty Board cannot by its Institution, at present act.[1]

TREASURY OFFICE *November 6 1780*

The Board of Treasury represent to Congress.

That in pursuance of their resolution of the 22d of September last Bills of exchange to the amount of four thousand pounds sterling were put into the hands of the Loan Officer of this State to sell. That the Loan Officer afsd has by his return dated this day made sale of said Bills amounting to one million sixty eight thousand dollars,

[1] This report is in the *Papers of the Continental Congress*, No. 37, folio 517.

out of which sum has been paid a Warrant of Congress in favor of Ephraim Blaine for six hundred thousand dollars, and two Warrants in favor of Major General Greene for one hundred and eighty thousand, and that there remains in the hands of the Loan Officer afs^d subject to the order of Congress two hundred and eighty eight thousand dollars.[1]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 7, 1780

A letter, of 24 October, from Brigadier General Gist was read.[2]

A report from the Board of Treasury was read:

Ordered, That it be referred to the committee of five to whom was referred a motion on the 28 October.

A report from the Board of Admiralty was read; Whereupon,

ADMIRALTY OFFICE *4th Novr. 1780.*

The undersigned begs leave to inform Congress, that the powers delegated to the Honorable Messrs Huntington and Hill, being nearly expired, they will no longer attend this Board, and by the institution three members is required to make a board for the dispatch of business, which is humbly submitted to the Consideration of Congress, by

Their Most Obedient Humble Servant

FRA: LEWIS.

To His Excellency
The PRESIDENT OF CONGRESS.[3]

Ordered, That two members be elected for the Board of Admiralty, in the room of Mr. B[enjamin] Huntington and Mr. [Whitmill] Hill, who are absent.

The members chosen, Mr. [John] Hanson and Mr. [William] Sharpe.

A memorial of John Henderson in behalf of Mr. O. Pollock, was read:

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 709.
[2] This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 267.
[3] This report is in the *Papers of the Continental Congress*, No. 37, folio 513.

Ordered, That it be referred to the committee on Governor Galvez's letter, of July 22.[1]

On motion of Mr. [Theodorick] Bland, seconded by Mr. [John] Sullivan,

Ordered, That a committee of five be appointed to prepare and lay before Congress a plan for arranging the finances, paying the debts and œconomising the revenue of the United States:

The members chosen, Mr. [John] Sullivan, Mr. [Theodorick] Bland, Mr. [John] Mathews, Mr. [Timothy] Matlack and Mr. [Abraham] Clark.

Congress resumed the consideration of the report of the committee on General Washington's letter, of 7th October; and thereupon came to the following resolutions:[2]

The Committee to whom General Washington's Letter of the 7th Instant with sundry other papers were referred beg Leave to Report—

That considering the sufferings of the American officers and soldiers in captivity, the expence and difficulty of supporting and guarding the Convention troops, and the daily desertions which take place among them, Principles of Humanity and Policy unite in Pointing out the necessity of a general exchange upon Liberal and Equitable Terms. Your committee therefore submit the following Resolutions, viz.

Resolved, That General Washington be and hereby is authorised and instructed to effect an exchange of all continental prisoners of war and now in possession of the enemy, and of the hostages given in Canada, as well as of all officers on parole and officers violators of parole, and militia actually taken in arms ~~and admitted to parole under the capitulations of Charlestown and Fort Moultrie~~ and remaining prisoners of war, for an equal number of the Convention troops and other prisoners in our hands, rank for rank; and

[1] A marginal note says: "See September 29."

[2] This paragraph and the succeeding resolutions and vote were also entered in the manuscript Secret (Domestic) Journal.

where similar rank will not apply, to pursue the exchange on the footing of composition according to the valuation or tariff agreed on by the commissioners at Amboy in March last.

That the exchange of officers next in rank to such as cannot be exchanged on the principle of equality, be considered and made on the principles of composition.

That all prisoners taken by the American forces in the northern department, and permitted to return home on parole, be considered and exchanged, agreeably to their rank and order of capture.

That the expence incurred for removing and supporting the Convention troops from the time of their capture be adjusted by commissioners to be appointed for effecting the said exchange, and the balance, after deducting the expence due for support of our prisoners in the hands of the enemy, paid prior to the exchange of any part of the said troops.

That General Washington empower the commissioners appointed on his part, in case any dispute should arise respecting the support of the Convention troops, to submit the same to some proper arbitrating power for determination, and to give hostages as a security to refund, in case any part thereof shall be adjudged to have been over paid. But in case the commissioners which may be appointed by the British Commander in Chief will not accede to the above terms, the commissioners appointed by General Washington may propose to them the exchanging the said troops without payment of expence, upon their submitting the same as aforesaid and giving hostages for securing the payment of such sums as may be adjudged justly due.

That all officers be exchanged according to the rank they held at the time of capture; and such of the military as have no regimental rank, by composition, to be settled by the commissioners.

That a brigadier general be exchanged with each division of the Convention troops, one major general with the first and one with the last divisions; and that Lieutenant General Burgoyne be included in and exchanged with the second division, as his remaining to be exchanged with the third or last is altogether unmilitary and inadmissible.

That hostages be mutually given as a security that the Convention troops and those received in exchange for them do not bear arms prior to the first day of May next.

That General Washington be informed it is not the sense of Congress to make this last article an ultimatum, unless from the present state of our army, the improbability of his being joined by the French troops, or other circumstances, he shall be convinced that the Convention troops will by the exchange be put in a situation to act with the British army at the southward, prior to our having an equal force in readiness to oppose them.[1]

On the question to agree to this clause, the yeas and nays being required by Mr. [Willie] Jones,

Massachusetts Bay,		
Mr. Adams,	ay	ay
Ward,	ay	
Connecticut,		
Mr. Huntington,	ay	ay
New York,		
Mr. Duane,	ay	ay
New Jersey,		
Mr. Fell,	ay	div.
Clark,	no	
Pennsylvania,		
Mr. Ingersol,	ay	ay
Maryland,		
Mr. Plater,	ay	ay
Hanson,	ay	
Virginia,		
Mr. Madison,	ay	ay
Bland,	ay	
North Carolina,		
Mr. Jones,	no	no
Sharpe,	no	
South Carolina,		
Mr. Mathews,	ay	ay
Bee,	ay	
Kinloch,	ay	
Motte,	ay	
Georgia,		
Mr. Walton,	ay	ay
Few,	ay	
Howly,	ay	

[1] This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, VI, folio 301.

So it was resolved in the affirmative.

Resolved, That the Commander in Chief be directed to insist upon the exchange of those persons, prisoners of war under the capitulation of Charlestown, alluded to in the order of the 23 day of September last. ~~and also of Jonathan Bryan, Esquire, and his son, who were made prisoners of war in the state of Georgia by a party of the enemy, and confined upon Long Island.~~[1]

The committee appointed to prepare a circular letter to the states brought in a draught, which was read:

Ordered, That to morrow be assigned for the consideration thereof.

A motion was made by Mr. [Theodorick] Bland:

Ordered, That it be referred to the Board of War to take order.

A letter, of this day, from the Board of War was read, enclosing a letter, of 27 October, from J. Neilson, D. Q. M. for the State of New Jersey.[2]

Ordered, That the same be referred to the committee on the letter, of 30 October [from] Colonel Pickering, Q. M. G.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 8, 1780

A letter, of 4, from General Washington was read.[3]

A letter from the inspectors of the press was read:

Ordered, That it be referred to the committee on the letters, of 23 October, from the commissioners of the Board of War.

A petition from a number of the freemen of the State of Pensylvania was read:[4]

[1] This resolution is in the *Papers of the Continental Congress,* No. 19, VI, folio 297.

[2] This letter is in the *Papers of the Continental Congress,* No. 148, I, folio 213.

[3] This letter is in the *Papers of the Continental Congress,* No. 152, IX, folio 343.

[4] This petition, undated, praying retaliation, is in the *Papers of the Continental Congress,* No. 42, VI, folio 246.

On which a motion being made,

Ordered, That the consideration thereof be postponed.

The delegates for New York laid before Congress three letters from the legislature of that State:[1]

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [James] Duane, Mr. [John] Henry, Mr. [Abraham] Clark.

Ordered, That the letter, of 3d, from J. Carleton, secretary of the Board of Ordnance, with the letter enclosed from Captain Thomas Wylie, be referred to the committee on the report of the Board of War and letter from S. Hodgson.

Ordered, That a member be added to the committee on the report of the Board of Treasury, in the room of Mr. [Thomas] McKean.

The member chosen, Mr. [George] Plater

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *November 7 1780.*

The Board of Treasury beg leave to lay before Congress the application of Jacob Hiltzheimer for sixty thousand dollars for the purposes in his letter set forth, with his account of receipts and expenditures, on which application the Board submit the following report.

Ordered, That a warrant issue on the treasurer, in favour of Jacob Hiltzeimer, for sixty thousand dollars, to enable him to purchase forage for the horses under his care belonging to members of Congress; and for which he is to be accountable.

That a Warrant issue on the Treasurer in favor of William Denning one of the Commissioners of the Board [of] Treasury for forty thousand dollars on account of two quarters salary now due to him, and for which he is to be accountable.

That a Warrant issue on Thomas Harwood Esqr Commissioner of the Continental Loan Office in the State of Maryland in favor of

[1] Two of the letters are dated October 7, 1780. They are in the *Papers of the Continental Congress*, No. 67, II, folios 314 and 318. The third is dated October 10, 1780, and is in No. 67, II, folio 322.

Ezekiel Forman one of the Commissioners of the Board of Treasury for fifty thousand dollars on account of three quarters salary now due to him, and for which he is to be accountable.

That a Warrant issue on the Managers of the Lottery in favor of John Gibson one of the Commissioners of the Board of Treasury for twenty thousand dollars in part of the balance of salary due to him.[1]

Ordered, That the remainder be re-committed.

Ordered, That the report of the Board of Treasury of the 16 of October, be referred to the committee on the letters, of 23 October, from the commissioners of the Board of War.

The Committee of Estimates and of Ways and Means delivered in a report.

The Committee of Ways and Means, Report,

Whereas it is necessary in order to provide funds for the discharge of such foreign debts as the United States have already contracted and to enable them to make such further loans as the public Exigencies may require That certain stated revenues be assigned for ~~that~~ those purpose[s]:

Resolved, That it be recommended to the Legislatures of each of the United States to impose without delay a duty of two and one half per cent on all exports being of the growth or manufacture of ~~either~~ any of the said States or the produce of the fisheries and a similar duty upon all imports except military stores and except also cloathing ~~imported~~ on account of the United States.

Resolved, That in order to prevent frauds in the collection of such duties it be recommended to the several States to vest the appointment of the officers necessary for that purpose in Congress.

Resolved, That all such duties be paid in specie *or in kind.*

Resolved, That the money raised by such duties be applied to the discharge of such debts as have been or may be hereafter contracted with foreign powers and to no other use whatever.

Resolved, That Books containing a true state of such debts be open at the Treasury Board for the inspection of the Delegates or Agents of the respective States ~~to the inspection of the legislatures of every State by their respective committees~~ and that the said duties cease when the said foreign debts are discharged.

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 711. It is indorsed: "First paragraph passed. The remainder recommitted that the board may report the time of service and the sums advanced to the gentlemen mentioned."

Resolved, That ~~a committee be appointed to~~ the Board of Treasury adjust a tariff of all exports and imports and ~~to~~ form a plan for the collection of such duties that the same being adopted by the respective Legislatures may render the system equal and uniform.

Resolved, That it be recommended to every State that shall have passed laws ~~above recommended~~ for the purposes aforesaid to repeal all ~~laws containing~~ embargoes and restrictions on trade ~~and embargoes now in force in such state~~ taking care at the same time that their several quota of supplies for the Army be ~~provided~~ effectually secured.

Resolved, That the Treasury take immediate measures to ascertain the value of the exports and imports from and into the several ~~ports of the United~~ States and lay before Congress an estimate thereof.

Resolved, That copies of such estimates be transmitted to the Minister of the United States at the Court of Versailles and Madrid, and that they be empowered to enter into stipulations for the repayment of such sums of money as they may borrow, out of the said funds and pledge the faith of the United States to make up any deficiency in the same.

And whereas Congress have recommended to the States of Virginia and Maryland to raise by Assessment upon their respective Inhabitants a certain quantity of Tobacco amounting to ———

And whereas it appears by a return from Virginia that they will have on hand 4000 hogsheads by the 1st day of Jany next.

Resolved, That ~~Dr. Franklin~~ the minister at the Court of Versailles of these States be directed to pledge the same for the repayment of a sum of Money equal to its value with 5 pr Cent interest the same to be ~~paid~~ delivered at some port in Chesapeake Bay.

Resolved, That it be recommended to the said States of Virginia and Maryland to take the necessary measures for the delivery of the Tobacco assessed on the said States to the order of the Minister of the United States at the Court of ~~his most Christian Majesty~~ Versailles.

~~*Resolved*, That Bills of Exchange to the Amt of £100,000 sterg be drawn on Mr Jay at 6 months sight and disposed of under the directions of the Board of Treasury at par for specie or *new Bills* of Credit issued agreeable to the resolutions of the 18th March last or for the highest exchange in the Bills of Credit emitted by Congress.~~

~~*Resolved*, That Bills of Exchange to the Amt of £30,000 sterlg be drawn on Doctr [Franklin] to be disposed of on like condition as above by the Board of Treasury,~~

And whereas it is absolutely necessary to assign some fixed and stated revenue to be applied to the use of the navy that ~~they may be enabled~~ more effectual~~ly to protect~~ protection may be afforded to the trade of these United States.

Resolved, That it be recommended to the Legislatures of the respective States to impose a duty of 5 p^r^ Cent on the value of all prizes ~~taken from the enemy~~ to be collected by officers of the United States empowered by each State for that purpose which impost shall be applied solely to the use of the navy of the United States.[1]

Congress took into consideration the draught of the circular letter; and after debate,

Ordered, That it be re-committed.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, NOVEMBER 9, 1780

A memorial of the reverend James Sproat and Elihu Spencer was read; Whereupon,[2]

Resolved, That the hospital chaplains having been discontinued, the Commander in Chief be, and hereby is, directed to appoint brigade chaplains from the army, from time to time, to attend the established hospitals.

A report from the Board of War was read; Whereupon,

At a Board of War. *Novr 9. 1780*

Present Mr Peters Col. Grayson, Genl Ward

The board have the honor to enclose a letter from Col Henry Lee, requesting payment for three horses which he purchased, immediately after purchasing the *six* Congress ordered payment for on the 22^d^ of July last—but previous to the determination of Congress thereon—It would have been lucky had these horses been included in the former application. Col. Lee alledges that immediately after purchasing them, he was ordered to Camp, and neglected to apply for payment, trusting that as in former cases, he could have the matter settled at any time he had leisure to attend to it. Should it be the

[1] This report, undated, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 34, folio 11.

[2] This memorial, dated November 9, 1780, is in the *Papers of the Continental Congress*, No. 41, IX, 129.

opinion of Congress that the horses should be paid for, the Board beg leave to report

That the Q^r Master Genl be directed to pay Col. Henry Lee for three horses purchased some time ago for the use of his Corps, he producing proper vouchers.[1]

Ordered, That the Board of War take order for the payment of the three horses reported to be purchased for the use of Lieutenant Colonel Lee.

Resolved, That the officers of cavalry be enjoined to make no purchases of horses on public account without the order of Congress.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [Francis] Kinloch, for eleven thousand and fifty eight dollars, to discharge an order drawn by J. Rutledge, on the delegates of South Carolina in Congress, for that sum, in favour of Paul Trapier, Esquire, dated the 14 of May, 1780; and for which the said J. Rutledge is to be accountable.[2]

The committee on Colonel Pickering's and J. Neilson's letters, delivered in a report, which was read.

The committee, to whom was referred the letter from John Lawrence, judge advocate general for the army, delivered in a report; Whereupon,

The Committee to whom was referred the letter from John Lawrence Esq. Judge Advocate General for the army beg leave to Report,

That Mr Lawrence succeeded to the office of Judge Advocate General of the Army on the 11th of April 1777 in the Room of Col. Tudor who resigned, the pay then being established at 60 dollars per month. That on the 27th of March 1778 Congress augmented the pay to 75 dollars per month. And on the —— day of August last it was fixed at 50 dollars per month. That he conceives this allowance inadequate for his support, and request an augmentation of his future pay and an allowance for past deficiencies from the depreciation of the

[1] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 647.

[2] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 715.

money. That it appears by a certificate from the pay office of the army dated the 25th of October last that he has drawn his pay only to the 21st of October 1779 and that since that period he has received 2000 dollars on account from the pay office, and that 2000 dollars more were advanced him on the order of the Commander in Chief to defray his expences to Philadelphia.

That by a certificate from the Commander in Chief communicated to your Committee and dated the 29th of October last, it appears that Mr Lawrence has uniformly discharged the duties of his office with great uprightness diligence and ability, by which he has acquired the esteem of the army and merited the consideration of his Country.

That by a certificate of Mr Lawrence herewith presented it further appears that John Strang has acted as Deputy Judge Advocate since some time in the year 1779, under the appointment of Major General McDougall, then commanding West Point and its dependencies in which Department he has been ever since employed, and that he does not belong to the line of the army.

That Lt Thomas Edwards has acted as Deputy Judge Advocate with the main army since some time in April Last under the appointment of the Commander in Chief and that Lieutenant Edwards belongs to the Line of the Army.

That no pay has hitherto been provided by Congress for either of the said Deputies.

On this State of Facts your Committee beg leave to submit the following Resolutions.

Resolved, that the salary of John Lawrence Esq. as Judge Advocate be settled at the rate of sixty dollars per month from the time of his appointment to the 27th March 1778 and from that day to the 1st of August last at the rate of 75 dollars per month. That the depreciation on his pay shall be adjusted on the same principles as are directed with respect to that part of the Line of the army which is to be provided for by Congress. That from the 1st of August last the pay and appointments of the Judge advocate of the Army in lieu of all other provision heretofore made shall be the same in all respects as are established for the Chief Physician of the army.

That Mr Edwards besides his pay as a Lieutenant shall be entitled to an addition of fifteen dollars per month as Deputy Judge Advocate for the time he has or shall discharge the duties of that office; and that Mr Strang shall in all respects excepting the Rank of Lieutenant be entitled to the pay and appointments provided for Mr Edwards

for the time he hath or shall continue to discharge the office of a Deputy Judge Advocate.

Ordered, That a warrant issue in favour of the paymaster general, for twenty thousand dollars, to be paid to John Lawrence, judge advocate general, on account of his pay; and for which the said paymaster general is to be accountable.[1]

Ordered, That the farther consideration of the report be postponed.

Congress resumed the consideration of the draught of a circular letter to the states, and agreed to the same, as follows:

SIR,

Fully convinced of our inability to obtain the grand object of the federal union without the vigorous exertions of the several states, we have thought it our duty to make the requisitions contained in the enclosed resolutions; and we wish our constituents to be impressed with the necessity of a speedy and punctual compliance. For although, by the blessing of Providence, we have been conducted thus far in a war with a powerful and enraged enemy, yet the events of the present year have not enabled us to speak the language of triumph. This indeed may be attributed to a variety of causes; but we cannot refrain from observing, that the unpunctuality of the states in their supplies of men, money, and provisions, is not one of the least. It is unnecessary to point out the public wants and distresses. They are too well known, too generally felt. Hitherto the war has been carried on principally by emissions of paper money. This being depreciated, and Congress having, in compliance with the general inclination and voice of their constituents, resolved to stop farther emissions, we are compelled to call upon the states for taxes and specific supplies.

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, III, folio 485. It is indorsed by Charles Thomson: "Passed November 10, 1780."

An opinion seems to prevail, that foreign loans can be obtained; and we perceive with regret that some are disposed to place too great reliance on this ~~precarious event~~ resource. Duty compels us to be explicit with our constituents on a subject of such interesting importance. Every effort has been made for the purpose of procuring loans, but without sufficient success to justify a relaxation of our own most vigorous exertions.

~~We are now urging to his most Christian Majesty the pressing necessities of these United States. But sensible as we are of the expensive and vigorous co-operations of our ally against the common enemy, wisdom forbids a reliance on him for farther aids of money. What we have principally to hope from our generous ally is a credit for arms ammunition and cloathing. Everything else necessary to expel the enemy except the military co-operations of France and Spain must depend on our own internal resources and efforts under the blessing of divine providence and we trust that from a due attention to the inestimable rights of America the States will be roused to those efforts.~~

It is to be observed, that a powerful armed neutrality appears to be formed in Europe, determined to support the freedom of commerce. Should overtures of peace be the result of a convention of the neutral powers, is it not our interest, is it not our indispensible duty, to be prepared for such an event? Our object is of the greatest magnitude—the security, freedom and independence of the United States; and experience evinces that no nation can promise itself a safe and honorable peace which is not in condition to maintain a war with vigour. We are confident there is no want of ability in the states to do this. Can arguments then be necessary to call forth every internal resource, which may contribute to put a happy period to the war? Is it not high time to expel from our country an enemy, whose progress is marked with blood and desolation, and whose successes inspire them only with redoubled vengeance?

The estimates may appear large, but we conceive them to be absolutely necessary. To the utmost of our power we have endeavoured to correct abuses in the public expenditures. We have called for the aid of the respective executives. Again we recommend this essential object to their attention. Nothing on our part shall be wanting which may contribute to promote the strictest œconomy in dispensing the supplies now required. We have only to add our earnest desire that no time may be lost; and should the legislature of your State not be in session on the receipt of this letter, that it may be immediately convened.

By order, and on behalf of the United States in Congress assembled.[1]

Adjourned to 10 o'Clock to Morrow.

[1] This circular letter was also entered in the manuscript Secret (Domestic) Journal. A copy in Thomson's writing is in the *Papers of the Continental Congress*, No. 24, folio 297. A rough draft, also in Thomson's writing, is in No. 47, folio 345. The original draft of the letter, in the writing of John Morin Scott, is in No. 24, folios 283–289. The following version of the letter, in Thomson's hand, is in No. 24, folio 290½; it was made from the rough draft in John Morin Scott's hand, with slight amendments:

Sir,

Strongly impressed by the urgent necessity of a compliance with the enclosed estimate and fully convinced of the total inability of Congress to obtain the grand objects of the war without the vigorous exertions of these United States upon the plan therein proposed, they have thought it their indispensible duty to lay it before their constituents. They wish in doing this, the reasons they now offer in its favor may command an attention proportionate to their importance.

For though with a variety of successes and misfortunes we have hitherto waged a war against one of the most powerful nations on earth, Congress must observe that the events of the present year have not enabled them to speak the language of triumph. This may indeed be attributed to a variety of causes, among which they cannot refrain from observing that the unpunctuality of the states in their supplies of men, money and provisions is not one of the least.

A powerful armed neutrality formed in Europe appears determined to support the freedom of commerce. Should overtures of peace be the consequence of a convention of the neutral powers, is it not the interest, is it not the indispensible duty of these United States to be prepared for such an event. Our object is of the greatest magnitude, no less than the security of the freedom and independence of the United States, and experience evinces that no nation can promise itself an honorable peace which is not in condition to carry on the war with vigour.

Congress with regret perceive that an opinion prevails that foreign Loans will enable us to prosecute the war with vigour and success. They are therefore bound in duty to undeceive their constituents. The truth is, they have made every possible

FRIDAY, NOVEMBER 10, 1780

A letter, of 10, from W. Palfrey was read, signifying his acceptance of the office of consul.[1]

exertion to obtain them; but those exertions have hitherto proved inadequate. They are now urging to his most Christian Majesty the pressing necessities of these United States, supported by every argument in favor of a loan, which the common cause and sound policy can suggest. But Sensible as they are of the generous aids of our good and great ally, it is not to be concealed that expensive and vigorous co-operations against our common enemy deprive his most Christian Majesty of the pleasure of complying with all our requisitions, and as the effect of our applications is dubious, wisdom forbids too great a reliance on the endeavours of Congress in this respect. What they have principally to hope from their generous ally is a credit for arms, ammunition and cloathing. Every thing else necessary to expel the Enemy except the military co-operations of France and Spain must chiefly depend on our own internal resources and efforts. This is the summary of our affairs, and the question is whether by a combination of exertions, these states are determined to expel the enemy. Congress is confident that there is no want of ability in them to do it. They are, on the contrary, convinced that nothing but a non-exertion of those powers which they enjoy will prevent.

A compliance with the estimate they enclose will, they conceive, be absolutely necessary. Congress cannot be charged with a remissness on their part. Should unhappily the liberties of America be in any degree impaired, this besides former testimonials on their journals will show the world that they have done every thing in their power to preserve them.

Congress wish to add that those legislatures which will not be in session on the receipt of this circular letter may be immediately convened. Duty compels Congress to be explicit with their constituents on a subject of such interesting importance. Not only they, but the people at large, feel the public distresses. Congress are therefore constrained to point out the particular causes.

The war has hitherto been carried on by emissions of paper currency. Those emissions by means well known to the public have been depreciated. Congress resolved in compliance with the general inclination of their constituents, to stop their emissions of continental money; in consequeuce of which they are obliged to call on them for taxes and specific supplies. Upon this basis therefore, until our late plan of finance and such auxiliaries as may be necessary can have proper effect, our efforts in the war must necessarily depend. Shall we not then from a due attention to the inestimable rights of America, be roused to every effort? These rights, for their support, principally depend upon our internal exertions under the blessing of providence; and too great a reliance on foreign powers may render them precarious.

To the utmost of our power we have eudeavored to correct abuses in the expenditure of public money. We have called for the aid of the respective executives. Again we recommend this essential object to their attention. Nothing on our part shall be wanting, which may contribute to promote the strictest œconomy in dispensing the supplies which are now required.

[1] This letter, dated November 9, is in the *Papers of the Continental Congress*, No. 165, folio 545.

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [William Churchill] Houston, Mr. [James] Lovell, Mr. [Isaac] Motte.

A letter from J. Lawrence, judge advocate, was read.[1]

The following gentlemen were put in nomination for the office of paymaster general:

Mr. John Sanford Dart, by Mr. [Thomas] Bee; Mr. John Pierce, by Mr. [Abraham] Clark.

The committee, to whom was referred the letter, of 1st, from General Washington, delivered in a report; Whereupon,

The Committee to whom were referred the letter from Genl. Washington of the 1st inst: beg leave to report

That the Canadians who from an attachment to our cause have left their own country appear to be greatly distressed: and that justice and humanity require that some provision should be made for them: your Committee therefore beg leave to submit the following resolution:

Resolved, That Congress approve of the order given by the Commander in Chief to Brigadier General Clinton, to supply the Canadian families residing in the State of New York with a ration for each individual; and that the governor of the said State be requested to cause an enquiry to be made into their circumstances, to take them under his protection, and to give them such further assistance, at the expence of the United States, as he shall judge necessary.

Resolved, That the accounts of Capt. Traversie, for services done for the United States, by order of Major General Gates, be paid, and that the Board of Treasury liquidate his account; and that a warrant issue on the treasurer for the balance which shall be found due to him.[2]

[1] This letter, dated November 10, 1780, is in the *Papers of the Continental Congress,* No 78, XIV, folio 389.

[2] This report, in the writing of James Duane, is in the *Papers of the Continental Congress,* No. 19, VI, folio 313.

The Board of Admiralty, to whom was referred a letter of 1, from the minister of France, setting forth the several inconveniences resulting from the abuse the British make of papers or clearances they take in American prizes, delivered in a report; Whereupon,

Resolved, That it be and hereby is recommended to the governors or presidents of the several states, who grant commissions for private vessels of war, that on the back of the commission there be inserted, a minute description of the persons of the captain and his lieutenant, with their age, stature, complexion, &c. respectively certified by the governor or president under his seal of office.

That where commissions, commonly called letters of marque and reprisals, are granted to armed vessels going on mercantile voyages, the master and his chief mate be required to undersign their clearances, in the presence of the naval officer of the port, who is also to insert on the back of the clearance, a minute description of the persons of the master and chief mate, with their age, stature, complexion, &c. respectively, and to certify the same under his signature and seal of office.

Resolved, That authentic copies of the foregoing resolutions be transmitted to the respective governors of the United States.[1]

Congress resumed the consideration of the report of the committee on the letter from J. Lawrence, judge advocate, and thereupon

Resolved, That the salary of John Lawrence, as judge advocate, be settled at the rate of 60 dollars per month, from the time of his appointment to the 27 of March, 1778, and from that day to the 1st of August last, at the rate of seventy five dollars per month: that the depreciation on his pay shall be adjusted on the same principles as are directed

[1] This report is in the *Papers of the Continental Congress,* No. 37, folio 531.

with respect to that part of the line of the army which is to be provided for by Congress: that from the 1st day of August last, his pay and appointments be one hundred and forty dollars per month and two rations per day, ~~and forage for two horses,~~ exclusive of what is allowed to the office by the arrangement of the quartermaster's department:

That Mr. Edwards, besides his pay as a lieutenant, shall be entitled to an addition of fifteen dollars per month, as deputy judge advocate, and that Mr. Strang shall in all respects, excepting the rank of lieutenant, be entitled to the pay and appointments provided for Mr. Edwards, for the time he hath or shall continue to execute the office of deputy judge advocate.

A report from the Board of Treasury was read:

TREASURY OFFICE
November 9th 1780

The Board of Treasury on the Recommitment of their report dated the 7th instant; beg leave to Report,

That Ezk[l] Forman, a commissioner of the Board of Treasury was elected on the 9th of November 1779 and that he obtained a warrant for thirty thousand dollars on account of his Salary in pursuance of an order of Congress of the 23d of June 1780.

That John Gibson another Commissioner of the Board was elected on the 25th of November 1779 and did also obtain a warrant for twenty five thousand dollars on account of his Salary in pursuance of an order of Congress of the 16th of May 1780.

That William Denning the other Commissioner of the Board was elected the 28th of April last.

The Board further Report—

That Peter R. Fell was appointed a Commissioner of the Chamber of accounts the 16th of June last and obtained a warrant on the Treasurer for 12,000 dollars on account of his Salary in pursuance of an order of Congress of the 14th of August last.

That on the application of Peter R. Fell a warrant issue on the Treasurer in his favor for eight thousand dollars ~~on account of his salary~~ for which he is to be accountable.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 717.

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [William Churchill] Houston, Mr. [James] Lovell, Mr. [John] Henry.

On motion of Mr. [Artemas] Ward, seconded by Mr. [Samuel] Adams,

Resolved, That the commissioners of the continental loan offices in the respective states, be and hereby are directed to forward to the continental treasury at Philadelphia, all such continental bills of credit as may have been from time to time lodged in their offices, pursuant to the act of Congress of the 18 day of March last; having first cancelled them in the mode prescribed by the resolution of the 1st day of September last, that they may be examined and burned.

On the application of the Board of Admiralty,

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for one hundred thousand dollars, in favour of the said Board; and for which they are to be accountable.

Congress took into consideration the report of the committee on the letters from Colonel Pickering, Q. M. G. and J. Neilson; and thereupon,

The Committee to whom was referred the letter from Timothy Pickering Esqr Quarter Master Genl: and also the letter from John Neilson Esq. Deputy Quarter Master Genl: in the State of N. Jersey: beg leave to Report—

That the letters referred represent the extreme scarcity of Forage with the Army and at the several posts in the Jerseys, and the utter impracticability of procuring the same in any degree proportioned to the demand: and it being a fact well ascertained, that the scarcity complained of is owing wholly to a deficiency of Hay in the Country occasioned by a failure of crops the last season. That for the above reason it is become absolutely necessary to remove from the Army a large proportion of the horses, all of which for some time past having been principally supplied with Forage obtained by Military force: a measure ever disagreeable, and in the present case, highly injurious

to individuals, and detrimental to the publick cause. That as the Campaign is now drawing to a close, and the Army going into Winter Quarters, the officers Sensible of the absolute necessity of the measure, will it is expected, chearfully dispense with keeping more horses in the Army than the Commander in Chief may judge indispensably necessary for publick and immediate service. That in case the inhabitants are suffered to retain a sufficiency of Forage for their own teams and stocks free from forcible exactions, they will be enabled and induced to transport the most, if not all the stores necessary for the Army, on which account the number of draft horses in the Army, may be greatly reduced. Whereupon

Resolved, That the Commander in Chief be, and hereby is fully authorised and directed to cause all horses in the army, whether of public or private property, to be immediately removed from thence, which in his opinion are not absolutely necessary to be retained for public use:

That all horses belonging to officers, for which forage is allowed, shall, in case they are removed beyond the distance from which long forage is brought to the army, be furnished with their rations of forage during the winter, or an equivalent in money paid for the same, if kept at the expense of the owners:

That the quartermaster general take immediate measures for removing all horses, the property of the United States, which, in the opinion of the Commander in Chief, can be spared from the army, into some one or more of the said states where he can provide the said horses with forage on reasonable terms:

That if it be deemed preferable by the Commander in Chief, that a proportion of the public horses should be disposed of for draft oxen, to be provided for the ensuing campaign, he be authorised to direct the quartermaster general to effect the same, in such manner as may be most beneficial to the public service.

That the quarter master general immediately apply to the executive authority of the states nearest to the quarters of

the main army, to furnish such quantities of forage as may be in their power, to enable him to lay up proper magazines for the use of the army; and that he also apply to the more distant states to furnish the intermediate posts with forage for the purpose of transporting provisions and stores to the army, and provide forage for the horses removed from the army:

~~*Resolved*, That it is the fixed intention of Congress that the Bills of the New Emission of March last shall be made good to those who receive them in Specie Value and finally redeemed with Specie agreeable to the Resolutions of the 18th of March last; and that whenever Continental money of the old emissions is paid in discharge of publick Debts the same shall pass at the Current exchange between that and Specie at the time it issues from the Treasury, at what Valuations~~

That, as soon as the foregoing resolutions for the removal of the horses in camp are carried into effect, the Commander in Chief cause returns to be made to the Board of War, of all horses, both of public and private property, kept in camp at the public expence, and also of those removed, noting at what places kept and on what business employed.[1]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, NOVEMBER 11, 1780

A letter, of this day, from William Denning, one of the commissioners of the Board of Treasury, was read, requesting leave of absence for a few weeks and an advance of a sum of money; Whereupon,[2]

Ordered, That William Denning have leave of absence.

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, in favour of William Denning, one of the commissioners of the Board of Treasury, for twenty thousand dollars; for which sum the said W. Denning is to be accountable.

[1] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, V, folio 157.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 313.

A letter, of 5, from General Washington was read, enclosing a memorial from sundry officers in the hospital department: [1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Abraham] Clark, Mr. [Theodorick] Bland and Mr. [Ezekiel] Cornell.

The committee appointed to prepare a memorial to the Court of Versailles, and to whom their former draught was re-committed, brought in another draught, which was read.

The committee, to whom was referred the report of the Board of Treasury, of the 9th, delivered in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Peter R. Fell, commissioner of the chamber of accounts, for eight thousand dollars; for which he is to be accountable.

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 13, 1780

A letter, of 3, from Governor Jefferson, was read.

A letter, of the 7th, from Governor Jefferson, was also read, inclosing a letter, of the 1st, from Major General Gates, with a particular account of the victory obtained by the militia over the enemy at King's Mountain, on the 7th of October last; Whereupon, [2]

Resolved, That Congress entertain a high sense of the ~~bravery~~ spirited and ~~good~~ military conduct of ~~Colonels Campbell, Shelby, Cleveland, Williams, Sevier and McDowell and Major Winston,~~ Colonel Campbell, and the officers and privates of the militia under ~~their~~ his command, ~~in the~~ displayed in action of the 7 of October, in which a compleat victory was obtained over superior numbers of

[1] This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 347.

[2] The letter of November 3 is in the *Papers of the Continental Congress*, No. 71, I, folio 499; that of November 7 on folio 503, the enclosures with the latter letter being on folios 507, 509, and 513.

the enemy, advantageously posted on King's Mountain, in the State of North Carolina; and that this resolution be published by the commanding officer of the southern army, in general orders.

Ordered, That the letter from General Gates, with the account of the action at King's Mountain, be referred to the Committee of Intelligence.

Ordered, That the letter from Governor Jefferson be referred to a committee of three:

The members chosen, Mr. [Theodorick] Bland, Mr. [William] Sharpe, Mr. [Thomas] Bee.

A letter, of 7, from General Washington was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] Duane, Mr. [John] Henry, Mr. [Ezekiel] Cornell.

A petition of Alexander McCaskey was read:[2]

Ordered, That it be referred to the Board of Treasury.

A letter from Colonel Tupper to Mr. [Artemas] Ward was laid before Congress and read:

Ordered, That it be referred to the Board of War.

A letter, of 5, from Doctor James Tilton was read.

A letter from Doctor James Fallon was laid before Congress:

Ordered, To lie on the table.

A letter, of this day, from E. Forman, one of the commissioners of the Board of Treasury, was read, requesting leave of absence, and an advance of a sum of money:

Ordered, That Mr. E. Forman have leave of absence.

Ordered, That so much of his letter as relates to an advance of money be referred to the committee on the report of the Board of Treasury of the 9th.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 355; it is printed in part in the *Writings of Washington* (Ford), IX, folio 21.

[2] This petition, dated November 11, 1780, is in the *Papers of the Continental Congress* No. 42, V, folio 217.

A letter, of this day, from George Measam was read:[1]

Ordered, That it be referred to the committee last mentioned.

The committee, to whom was referred the memorial of Charles Crowly;

And the Committee on the Post Office, delivered in their respective reports.

ADMIRALTY OFFICE *Nov.r 13th 1780*

The Board of Admiralty to whom were referred the memorial of Captain James Nicholson, beg leave to represent thereon as follows:

That it was an established rule of the Marine Committee which has been adopted by this Board, in appointing Commanders to their Ships of War to give preference to seniority when merit is equal.

That Captain James Nicholson was at Sea, when Captain John Barry was appointed to Command the *Alliance* and the Board were induced to be immediate in that appointment, as from his great activity and popularity with Seamen, they had reason to expect the Service would be benefitted therefrom. That in the case of Captain Harding's appointment the Board are restricted as it is singular, being particularly appointed to the Frigate *Confederacy*, by an act of Congress of the 25th September 1778, altho there were then many Captains unemployed.

The Board are of opinion that Captain Nicholson's claim is reasonable and conformable to the rule established by the Marine Committee and adopted by this Board; and are fully of opinion that was he now appointed to command the *Confederacy*, it would be of public utility~~, as under him she might be immediately manned which is of great importance at this autumn season before the navigation of this river is obstructed by the ice~~.[2]

TREASURY OFFICE *Nov.r 13. 1780*

The Board of Treasury having considered the Extract of a letter from Charles Miller Dp.y Commissary General of Purchases to

[1] Tupper's letter dated November 6, 1780, is in the *Papers of the Continental Congress*, No. 78, XXII, folio 445; that of Tilton is in No. 78, XXII, folio 441; that of Fallon dated November 8, 1780, is in No. 78, IX, folio 347; that of Forman is in No. 78, IX, folio 425; that of Measam is in No. 78, XVI, folio 101.

[2] This report is in the *Papers of the Continental Congress*, No. 37, folio 521. It is indorsed: "August 24, 1781. Not to be acted upon."

Ephraim Blaine Esqr Commissary General of Purchases dated October 20th 1780 (referred to them by Congress) beg leave to Report,

That the five thousand Bushels of Salt—mentioned in the said Extract, to be in the Magazines in the State of Massachusetts Bay now remaining in dispute between the Continent and Mr Livingston of Charlestown, South Carolina, be considered as public Property and be delivered to the order of the Commissary General of Purchases[1]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 14, 1780

A letter, of December 30, 1779, from Mr. Dumas was read, forwarding duplicates of Captain J. P. Jones' letters, of October 3 and December 7, with sundry other papers:[2]

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Ezekiel] Cornell, Mr. [James] Duane, Mr. [John] Henry.

A letter, of 12, from E. Blaine, commissary general, was read:[3]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] Duane, Mr. [John] Henry and Mr. [Jared] Ingersol.

The committee, to whom was referred the letter, of 7, from General Washington, delivered in a report; Whereupon,

Resolved, That Congress approve the mode suggested by the Commander in Chief, of incorporating the remainder of the men of the late Brigadier General Pulaski's legion, and as many of the officers as there are vacancies for, into Colonel Armand's corps; and that a return be made to the Board of War of the deficiency of that corps, that measures may be taken to compleat it according to the late establish-

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 723.

[2] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 452.

[3] This letter is in the *Papers of the Continental Congress,* No. 165, folio 379.

ment; and that Lieutenant Colonel Lee make a return of the deficiency of his corps, for the same purpose.

That the Commander in Chief be directed to lay before Congress a return of the officers of the engineering department, including those of the companies of sappers and miners, and distinguishing such as, in his judgment, it will be necessary to retain in the service, in order that the officers of that department, who shall be continued in service, may be put on an equal establishment with the officers of the line, and that provision may be made for such as shall be reduced.

Resolved, That the clause of the letter from the Commander in Chief of the 7, which respects the laying in magazines of provisions contiguous to the army, while the season admits of transportation, be forwarded to the executives of the States of Pennsylvania, Delaware and Maryland; that they be informed the efforts of those States are become the more essential from the destruction of the grain upon the western frontiers of the State of New York in the late incursion of the enemy; and

That they be earnestly required to urge forward, without loss of time, as great a proportion of the provisions assigned to their quota as can be procured, that the army may no longer be exposed to want, or Congress to complaints, which it is out of their power to redress.

And whereas it is represented by the Commander in Chief, that the enemy at New York derive great supplies of provisions from a trade with the adjacent states, and that the penalty upon this criminal commerce, by the laws now existing, is either so slight or so little attended to, that it does not prevent the practice: and that by these means the enemy have often been enabled to bear the disappointment of the arrival of their provision fleets, and to avoid the distress which they must have experienced had the resources of the country been effectually cut off from them; and

whereas most nations have made it capital for their subjects to furnish the enemy with provisions and military stores during war:

Resolved, ~~therefore that it be earnestly recommended to the Legislatures of the respective States, wherein it hath not already effectually been done to pass Laws: enacting that every person who shall directly or indirectly sell, give, furnish or supply the enemy within any of their posts in these United States, or on the high seas, with horses, carriages, provisions, forage Military Stores, timber or Naval Stores of any kind or shall aid or assist therein or in any wise countenance or procure it to be done: Such person so offending shall on due conviction suffer the pains of death without benefit of Clergy.~~

Resolved, That it be, and hereby is, recommended to the legislatures of the respective States, by whom it hath not already been done, to inflict capital punishment on all such persons as shall, directly or indirectly, supply the enemy with provisions or military or naval stores; and that the most effectual measures be adopted by the respective States for the vigorous execution of such laws.[1]

The committee, to whom was referred the letter, of 7, from Governor Jefferson, delivered in a report.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 15, 1780

A letter, of 13, from Colonel Armand; and

A letter, of 12, from Jonathan Bryan, were read:[2]

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [Ezekiel] Cornell, Mr. [Isaac] Motte, Mr. [Theodorick] Bland.

A letter, of 10, from J. Carleton, paymaster of the Board of War and Ordnance, was read; Whereupon,[3]

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, VI, folio 317.

[2] Bryan's letter, addressed to the delegates of South Carolina and Georgia, is in the *Papers of the Continental Congress*, No. 78, IV, folio 41; Armand's is in No. 164, folio 424.

[3] This letter is in the *Papers of the Continental Congress*, No. 60, folio 19.

Ordered, That a warrant issue on the treasurer in favour of Joseph Carleton, paymaster of the Board of War and Ordnance, for one hundred thousand dollars, for the contingent expences of the Board; and for which he is to be accountable.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Ephraim Blaine, commissary general of purchases, a warrant issue on ~~Abraham Yates, Esquire, Commissioner of the Continental Loan office for the State of New-York,~~ John Stephens, Esquire, treasurer of the State of New Jersey, in favour of the said Ephraim Blaine, for one hundred and forty nine dollars of the new bills emitted under the resolution of Congress of the 18 March last, and being part of the quota assigned to the said State in the tax of three millions called for by the resolution of 26 of August last, to be applied to discharge an account of Peter R. Fell for cattle supplied by him, the 15 September, 1778; and for which the said commissary general is to be accountable.[1]

TREASURY OFFICE *Novr. 14, 1780*

The Board of Treasury represent to Congress

That they have been notified to leave the house where the several officers of the Treasury now sit: That they expect to be turned out shortly by a due course of Law.

That the Board have not been able to provide a house for the Treasury, That a large, convenient house may now be had in Second Street, between Chestnut and Walnut Streets, (the house David Franks formerly lived in,) at three hundred pounds Gold a year, and the owner pay the Taxes, or two hundred and fifty pounds a year and the Tenant pay the Taxes, but the Owner will not suffer the several Officers of the Treasury to sit in it.

The Board therefore submit to Congress whether the house above described shall be taken for his Excellency the President of Congress; and the Treasury removed to the house where his Excellency the President now lives.

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 721.

That house was originally taken for the Treasury, in which there is a sufficient number of rooms to hold all the Offices required by the ordinance establishing the Treasury, a conveniency the Board cannot expect to procure elsewhere.

That on the application of Mr. T[homas] Bee, one of the delegates for the State of South Carolina, a warrant issue on the treasurer in his favour, for forty thousand dollars; for which the said State is to be accountable.

That on the application of Richard Phillips, steward to the President of Congress, a warrant issue on the treasurer in his favour, for fifteen thousand dollars, for the use of the President's household; for which sum the said steward is to be accountable.

That on the application of Richard Phillips, steward to the President of Congress, a warrant issue on the treasurer in his favour, for six thousand dollars, on account of his [and his daughter's] salary; for which sum he is to be accountable.[1]

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, in favour of Jacob Hiltzeimer, for twenty five thousand dollars, to enable him to purchase forage for the horses under his care belonging to members of Congress; and for which he is to be accountable.

The committee, to whom was referred the report of the Board of Treasury, of the 16 and 17 of October, delivered in a report, which being read and debated,

~~Whereas the value of the salaries of the officers on the civil list is rendered uncertain by being fixed at different periods, and admits of injustice being done contrary to the intention of Congress.~~

Resolved, That the salaries of the officers on the civil list, as fixed by the resolution of the 13th and 25th September last, shall have retrospect from that day to the 2d day of

[1] This report is in tho *Papers of the Continental Congress,* No. 136, IV, folio 725. The words in brackets are in the report, but not in the Journal.

November, 1778; and that the value of all monies and articles received on account of salaries ~~or due for articles furnished them~~ since the said 2d day of November, shall be accounted for and ascertained, agreeably to the resolutions of the 28th day of June last; and ~~all sums so found due after a balance is struck~~ that the balances shall be paid in the bills of credit emitted pursuant to the resolutions of the 18th of March, 1780, any former resolution to the contrary notwithstanding.[1]

The committee, to whom was referred a letter, of the 9th, from the paymaster general, delivered in a report; Whereupon,

Ordered, That the Board of Treasury take immediate measures for completing the settlement of the accounts of William Palfrey, late paymaster general, agreeably to his request, that he may forthwith proceed to the execution of the office to which he was appointed on the 4th instant: that in the adjustment of his accounts an allowance be made for his pay and subsistence, at the rate fixed by Congress, before the 1st day of September, 1777, upon the principle established in the resolution of this day:

That Mr. Audibert be allowed, for his services as first clerk in the office of paymaster general, five hundred dollars per annum; and that a settlement of his accounts be accordingly made by the Board of Treasury on the principle above mentioned.[2]

The committee on the letter from Ephraim Blaine;

The committee on the motion of the delegates for the State of South Carolina, of the 28 of October last;

The Committee to whom was referred the motion of the Delegates of the State of South Carolina on a letter from his Excellency John

[1] This report is in the *Papers of the Continental Congress*, No. 26, folio 215.

[2] The report, in the writing of William Churchill Houston and James Lovell, is in the *Papers of the Continental Congress*, No. 19, V, folio 13. It was adopted without material amendment.

Rutledge Esq. Governor of the Said State dated the last, and who were instructed to report whether it will be proper to continue the loan offices on the present establishment, beg leave to submit the following resolution,

Resolved, That the Continental Loan officers of the respective States be and they are hereby directed not to receive any further loans of money into their several offices until the further orders of Congress, and they are directed forthwith to settle their several accounts and transmit them to the Treasury to be reported to Congress.[1]

The committee on the report of the Board of Treasury, of the 14 of October; and

The Committee to whom was referred the report from the Treasury of the 14th of Octr beg leave to report,

That the money mentioned therein to have been received into the Treasury in Specie from the Commonwealth of Virginia, was received at the rate of seventy five for one as part of the State's Quota; to the receipt of which on those terms the Commissioners inadvertently consented it being then the current depreciation that the money of the old emission passed for in relation to specie, without maturely considering the effect that such a step might have on the money of the new Emission.

That it was paid into the Treasury at sundry times by the Agents of a Gentleman who was indebted to the said State as will appear from information in writing communicated to your Committee by the Commissioners of the Treasury which is hereunto annexed and which your Committee beg leave to make part of their report.

Vide information from the Commissioners &c.—

Your Committee are of opinion that no act of Congress authorises the Commissioners of the Treasury or the Treasurer of the United States to credit or receive specie into the treasury at a higher rate than the difference allowed between money of the new emissions and that of the old by the resolution of Congress of the 18th of March last, and that the toleration of any negotiation invalidating that resolution in the Continental Treasury would [be] most destructive to

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 29, folio 191. It is indorsed by Thomson: "Delivered November 15, 1780; Read. August 24, 1781, not to be acted upon."

the credit of the new emission, they therefore submit the following resolutions:

Resolved, that the Commissioners of the treasury take *especial* care that all debts due to the United States treasury on moneys deposited there, be received in no other manner than is directed by the act of Congress of the 18th of March last for fixing the value of specie and bills of the new emission.

Resolved, that a copy of this report be inclosed and sent to the Executive of the State of Virginia, and that Congress inform the said State that they are ready to credit the said State for the specie on the principles of the Resolution of March last or to reimburse the specie aforementioned to the said State on receiving money of the old or new emission on the principles of the aforesaid resolution.

Resolved, that Congress are sensible that the specie mentioned to have been paid as above at the supposed depreciation of seventy five for one by the agents of Mr Carter Braxton, was not done in that mode by any authority of the Said State.[1]

The committee on the letter, of 13, from Colonel Armand, delivered in their respective reports.

Tis the opinion of your Committee that Congress having signified their pleasure on this subject on the 4th inst, they cannot without manifest injustice to the Officers in the army, and a violation of the resolutions of 4th, establishing the rank and rule of promotion in the army reverse their resolution of the aforesaid date.[2]

Mr. [George] Plater withdrew his nomination of Colonel Stewart for the office of secretary.

The Committee to whom was referred the Report of the Board of Treasury of 9 November inst. and other papers, submit the following report:

~~That a warrant issue on Thomas Harwood, Esqr Commissioner of the Continental Loan office in the State of Maryland in favor of Ezekial Forman, one of the Commissioners of the Board of Treasury for ten thousand dollars in part of the ballance of salary due to him.~~

[1] This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 26, folio 213.

[2] This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, I, folio 85. It is indorsed as agreed to November 17.

That a warrant issue on the managers of the United States Lottery in favour of John Gibson, one of the Commissioners of the Board of Treasury, for thirty thousand dollars in part of the balance of Salary due to him.

It is the opinion of the Committee that the report of the Board of Treasury for payment of a quantity of Rum seized for the use of the Garrison at West Point is accurate and agreeable to the Contracts exhibited by the owners, ~~and that to the said report ought to be annexed the following resolution.~~

~~That where payment cannot be made in the present bills of credit, an equivalent be paid in other current money.~~

That a warrant issue on the Treasurer in favor of George Measam, one of the Commissioners of the Chamber of Accounts for fifteen thousand dollars, part of the balance of salary due to him.

[That a warrant issue on Thomas Smith Esqr Commissioner of the Continental Loan Office in the State of Pennsylvania in favor of Ezekiel Forman one of the Commissioners of the Board of Treasury for twenty thousand dollars in part of the balance of Salary due to him.][1]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, NOVEMBER 16, 1780

A letter, of 2, from James Gray, deputy commissary general of issues in N[orthern] D[epartment], was read, desiring leave to resign on account of his ill state of health.

A letter, of 10, from Charles Stewart, commissary general of issues, was read, respecting the resignation and settlement of the accounts of James Gray, deputy commissary general, at Albany, and proposing that James Gamble, who is now in the department with the grand army, may be appointed to conduct the business heretofore under the charge of Mr. Gray, until the settlement of Mr. Gray's account; Whereupon,[2]

[1] This report, in the writing of William Churchill Houston, except the portion in brackets, is in the *Papers of the Continental Congress*, No. 26, folio 211. It is indorsed: "Delivered November 15. Recommitted."

[2] Gray's letter is in the *Papers of the Continental Congress*, No. 78, X, folio 273; Stewart's is in No. 78, XX, folio 571.

Resolved, That Congress approve of the said proposal; that the said commissary general be directed to carry the same into effect; and Mr. Gray settle his accounts without loss of time.

A report from the Board of Treasury was read; Whereupon,

The Board beg leave to represent to Congress,

That on the Application and Estimate of Ephraim Blaine, Esq., Commissary General of Purchases approved by the Board of War with the memorial of Matthew McConnell, Robert Burns, Samuel Alexander, Charles White and John James to Congress and referred to this Board, with sundry other papers relative to the buying & seizing of Rum for the Use of the Army; also Major General How's Letter of the 17th of October last on the Subject also referred from Congress; all which papers appear to be regular and are filed at this Board, the several Claimants preferring Payment in the old Currency agreeably to the Resolution of Congress of the 26th of August last, The Board submit the following Resolution:

Resolved, That the following warrants issue in favor of Ephraim Blaine Esq. Commissary General of Purchases and for which he is to be accountable:

Ordered, That on the application and estimate of Ephraim Blaine, commissary general of purchases, approved by the Board of War, and a memorial of Matthew McConnell, Robert Burns, Samuel Alexander, Charles White and John James to Congress for the payment of rum seized for the use of the army, the following warrants issue in favour of the said Ephraim Blaine; for which he is to be accountable; viz.

One on Gerard Bancker, Esquire, treasurer of the State of New York, for six hundred forty seven thousand eight hundred and ten dollars:

Another on John Stevens, Esquire, treasurer of the State of New Jersey, for two hundred and eighty one thousand four hundred and thirty five dollars;

And another on the president and supreme executive council of the Commonwealth of Pensylvania, for two

hundred and sixty eight thousand and forty nine dollars and thirty ninetieths of a dollar, part of the monies raised in the said States respectively for the use of the United States.[1]

The committee appointed the 13 of April last, to repair to headquarters, laid before Congress their proceedings and a report thereon.

The Committee who were appointed on the 13th day of April, 1780, to repair to Head Quarters, and whose powers were extended by subsequent acts of Congress, beg leave to report,

That such of their proceedings as were deemed necessary to be made matter of record, are contained in the preceding pages from No. 1 to 338 inclusive.

The Committee beg leave to observe, that in their letter of the 16th day of July last, to General Greene, Q. M. General, copy whereof they transmitted to Congress, on the 18th of the same month, they assigned the reasons which induced them to give an opinion on the degree of responsibility to which the Quarter Master General ought to be held; That at the time they gave their opinion Congress had not determined on the matter; and it appears by the Journals of Congress that no resolution was passed on the subject until the 24th day of July; nor did the Committee receive the resolution passed on the day last mentioned, until the 3rd day of August; That although the Committee was advised that General Greene had requested the sense of Congress on the subject, prior to their opinion, yet they trusted that not only the urgent necessity of the case, at a most critical Juncture, when the Quarter Master General refused to act without the decision of the Committee, would have fully justified the proceeding on the part of the Committee; but they conceived themselves fully authorized to give an opinion on the subject by the Instructions of the 13th day of April, in which they were "fully empowered to carry into execution any plan for conducting the Quarter Master's and Commissary's department, which upon advice with the Commander in Chief, and the heads thereof, the Committee shall approve;" That, it appears to this Committee, they might under those instructions have made the degree of responsibility alluded to, a part of the system, had they deemed it necessary, and have established and published such

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 717.

system, with the advice of the Commander in Chief, even without referring the same to Congress *for approbation*, because they were not required by the Instructions to request such approbation, and that for the reasons now assigned, had no other been given, they cannot conceive their conduct reprehensible for interfering in the business, as Congress implies *it was* in their resolution of the 2d of August.

That the Committee, in their letter of the 18th of July, addressed Congress in the words following: "Colo. Hazen has presented us a memorial, accompanied with other papers marked E; as it is far from being within the line of our duty to decide upon the contents, we transmit them to your Excellency for the inspection of Congress. A Monsieur Garanger has also put into our hands a memorial F, which for similar reasons we also transmit." That the Committee can not possibly discover, that the mere transmission of papers, which did not convey the most remote insult on Congress, would have drawn on them from their compeers, the severe censure conveyed in the following extract from their other resolution of the said 2d day of August: "That the memorial of Colonel Hazen, with the papers enclosed, and the letter from Lewis Garanger, both which are enclosed and referred to, in the letter from the Committee, be referred to the consideration of the Board of War; but, that the Committee, at Camp, be informed that the said memorial and letter, together with other applications made to them, *and which seem* to have employed their time and attention, should have been made directly to Congress, and the Committee should have thus informed the applicants."

Jn° Mathews
Nath[1] Peabody.[1]

November 1st, 1780.

Congress took into consideration the report of the committee on the letter, of 12, from E. Blaine; during the debate,

The delegates for Pensylvania laid before Congress an extract from the minutes of the general assembly of the State of Pensylvania, which was read in the words following:

[1] This report is in the *Papers of the Continental Congress*, Committee Book, 1780, Proceedings of the Committee appointed the 13th of April, 1780, folio 339; a draft, in the writing of Philip Schuyler, is in No. 39, I, folio 236.

"In General Assembly,
Thursday, 16 November, 1780, A. M.

Resolved, That a committee of five be appointed to request the honorable Congress to appoint a committee of their body to confer with them on the expediency of taking off the embargo on provisions in this State.

The gentlemen appointed were Mr. Delany, Mr. Wynkoop, Mr. Mifflin, Mr. Galbraith and Mr. Slough.

Extract from the minutes,

Samuel Sterett, *Clerk.*"

Whereupon,

Ordered, That the report be re-committed, and that the committee be empowered to confer with the committee of the honorable the general assembly of Pensylvania on the subject mentioned in their resolution above recited.

A petition of Ezekiel Forman and John Gibson was read; Whereupon,

On motion of Mr. [Thomas] McKean,

Ordered, That three members be added to the Committee on the Treasury affairs, in order to hear the complaint of the commissioners of the Board of Treasury against the commissioners of the chambers of accounts.

The members chosen, Mr. [Thomas] Bee, Mr. [Artemas] Ward and Mr. [William] Sharp.

Ordered, That the report of the Board of War, of 11th, respecting powder and their report, of the 4, respecting cloathing, be referred to the Committee of Estimates and Ways and Means.

War Office, *Nov: 11, 1780*

Sir,

The Board do themselves the honor to lay before Congress, a State of the powder now in the Ordnance department, as also the estimate of Genl Knox transmitted to them, the last summer, when the Commander in Chief had it in contemplation to lay siege to New York: by which it will appear that there is still a deficiency of 7779 barrels, on a supposition that an attempt of this sort will be made in the course of the ensuing year.

The Board have not been made acquainted with the views of Congress with respect to the future operations of the War, but from the number of troops voted, and other circumstances which have come to their knowledge, they are led to suppose that an offensive campaign is intended; in which case the garrison of New York will naturally become an object; if it is designed that our operations shall be confined altogether to the attainment of this particular end; it will in that case be absolutely necessary that the quantity above mentioned should be previously imported; but if Congress mean to extend their views farther, and also meditate the reduction of Charlestown, it will then be proper to provide a double quantity.

The Board beg leave to inform Congress, that application has already been made to the Court of France by the estimate of June 30, 1779, for 5000 barrels of Cannon powder. If this should be complied with there will still be a deficiency of 2779 barrels in the quantity necessary for the operations against New York. Should Congress think proper to make provision for the siege of Charlestown, the farther quantity of 11,720 barrels ought to be procured.[1]

War Office *Nov: 4, 1780*

Sir,

The Board beg leave to lay before Congress, the enclosed letter from Major Gen[l] the Baron Steuben mentioning the disposition of the Minister of France to transmit a requisition for clothing and other necessaries for the Officers and Soldiers of the American army.

The Board beg leave to recommend that Congress would be pleased to request the Court of France to complete such part of the estimate heretofore sent as has not been already complied with.

This measure we offer with much deference and request that it may be considered as flowing from our anxiety for the service and not from any desire to interfere in arrangements not *immediately* committed to us by Congress. We conceive it will be impracticable to collect estimates from the several departments in time, tho' we have called for them agreeable to the directions of Congress so soon as their orders were signified to us, but we have not yet received them. We are of opinion that a more accurate estimate cannot be made out at this time. It is for more articles than the supply of the army in its present establishment demands, but considering the risques of their not wholly arriving and that if we are fortunate

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 655.

enough to receive them all they will be wanted in a future campaign, we are convinced the estimate is not inordinate. It has also the advantage of being in possession of the Commissioner or Minister of these States in France and therefore not subject to miscarriage.

It will too be, *no new demand.* But these arguments if the measure is approved of will no doubt suggest themselves to Congress.[1]

At a Board of War *Nov 13 1780*

Present Mr Peters Col Grayson

The Board having reconsidered their letter on the subject of Officers sent on command, beg leave to add the following clause—

Provided that if it shall at any time be necessary for an Officer to proceed on public business by order of the Commandant of a separate post or detachment not being part of the cantonments or out posts or in the vicinity of the grand or separate army, but at such a distance from the same that application cannot be made to the Commander in Chief or Commander of a separate army, or the Adjutant General or Deputy Adjutant General thereof, the expences of such Officer shall be paid by the United States on the certificate of the commanding officer of such separate post or detachment and the accounts settled by the Auditors of the army in the manner aforesaid, or the Officer having such accounts joining either of the said armies, or in case there shall be an Auditor attached to such separate post or detachment then the accounts shall be settled by such Auditor.[2]

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 17, 1780

A letter, of this day, from J. Donnel was read.

On the application of Mr. [John] Sullivan, a delegate for the State of New Hampshire;

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office in the State of Pensylvania, in his favour for fifteen thousand dollars; for which the said State is to be accountable.

[1] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 659.

[2] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 667. It was read, as the indorsement shows, November 16.

A letter, of 10, from Governor Jefferson was read, with an intercepted letter from General Leslie.[1]

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE, *November 7, 1780.*

The Board having considered the memorial of William Jackson accompanied with the certificates of Abraham Livingston Continental agent at Charles Town, and of General Lincoln (referred to them by Congress) beg leave to report,

Ordered, That a warrant issue on the treasurer in favour of William Jackson, for forty eight thousand seven hundred and seven dollars and two thirds of a dollar, to reimburse him for the like sum advanced to Abraham Livingston, continental agent; of which sum three thousand dollars are to be charged to the account of Major General Lincoln, and the residue, being forty five thousand seven hundred and seven and 2/3 dollars, to the aforesaid Abraham Livingston for the use of his department.

The Board further report,

That they have considered the letter from Doctor William Rickman of the 4th of October last (referred to them by Congress) and are of opinion,

That the medical committee only are competent to determine the expediency of accepting the resignation of Doctor Rickman. No account is open in the public books against Doctor Rickman, but Benjamin Harrison Dep^y Pay Master General in the Southern department has advanced considerable sums of money, for the use of the Hospitals, and that until the said Dep^y Pay Master General renders his accounts, no account with Doctor Rickman can be settled at the Treasury.[2]

A report from the Board of War was read; Whereupon,

[1] This letter is in the *Papers of the Continental Congress,* No. 71, I, folio 517; the enclosure is on folio 522.

[2] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 713a.

At a Board of War, *Nov. 10, 1780*

Present Mr Peters, Col. Grayson Genl Ward

The Board having considered the letter from General Schuyler relative to cloathing the Oneida Indians, beg leave to report

That there is no means in the power of the board of supplying the Indians mentioned in the letter of General Schuyler, as the supplies for the Troops are extremely inadequate to their wants; we therefore submit the following resolve to the decision of Congress

Ordered, That a warrant be drawn on the treasurer of the State of New York for the sum of six thousand four hundred and sixty four dollars in the new emissions, in favour of the commissioners of Indian affairs in the northern department; for which they are to be accountable, for the purpose of purchasing cloathing for four hundred and six friendly Indians of the Oneida, Tuscarora and Caghnawaga Nations, who have been obliged by the enemy to abandon their habitations and take refuge in the State of New York.[1]

The Medical Committee, to whom was referred the memorial of Solomon Halling, one of the hospital surgeons, report that they have examined the accounts of the said Solomon Halling and find a balance in his favour of 5123 15/90 dollars; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Solomon Halling for five thousand one hundred and twenty three dollars and 15/90 of a dollar, in full of his account up to the 14 September, 1780, for pay, subsistance and expenditures in attending the southern army as hospital surgeon.[2]

Mr. W. Geddes was nominated by Mr. [John] Henry for the office of paymaster general.

Ordered, That the warrant in favour of Joseph Carleton, ordered on the 15th to be drawn on the treasurer, be drawn

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 651.

[2] The report is in the *Papers of the Continental Congress*, No. 19, III, folio 7.

on Thomas Smith, commissioner of the continental loan office in the State of Pensylvania.

Congress took into consideration the draught of a memorial to the Court of Versailles and the report of the Committee of Estimates and Ways and Means; and thereupon,

Resolved, That in the application to be made for a foreign loan, it be represented to his Most Christian Majesty that these United States stand in need of twenty five million livres, to enable them to carry on the next campaign with vigor and success, and that a representation be made of the measures already taken by Congress to procure loans in Spain and Holland, and the firm reliance of Congress on the interposition of his Most Christian Majesty to render those applications effectual, if it shall be inconsistent with the state of his own finances to advance that sum to the United States.[1]

A letter, of 14, from General Washington was read.[2]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, NOVEMBER 18, 1780

Ordered, That Tuesday next be assigned for electing a paymaster general in the room of Mr. Palfrey who is appointed consul of the United States of America to reside in France.

A letter, of 17, from the President of the State of Pensylvania was read:

Ordered, That it be referred to the committee on Mr. Blaine's letter and who were appointed to confer with the committee of the honorable the general assembly of Pensylvania.

[1] This resolution was entered also in the manuscript Secret Journal, Foreign Affairs.

[2] This letter is in the *Papers of the Continental Congress,* No. 152, IX, folio 369.

A letter, of this day, from Colonel Armand was read:[1]

Ordered, To lie on the table.

The Board of War, to whom was referred an extract of General Washington's letter, of 21 October, with a copy of a letter, of 18 October, from Brigadier Knox, delivered in a report, which was read:

WAR OFFICE *Nov: 16, 1780*

SIR

The Board have been honored by a reference from Congress of an extract of a letter from the Com^d in Chief enclosing copy of a letter from Genl Knox relative to Col^o David Mason being detained in public service for the making of Fuzes. The Board beg leave to observe that if Mr Mason's abilities are indispensable in this branch he may be hired as a private citizen and that it is not therefore necessary for him to hold his rank and appointments merely on this account. But the Commissary General of military stores at Philadelphia if furnished with money and the men supplied with provisions will undertake to provide all the Fuzes necessary for the next campaign as well as all other articles in the Ordnance department. We therefore offer to the consideration of Congress the following resolve,

That Genl Washington be informed in answer to that part of his letter of Octr 21 which respects Lieut Col^o David Mason that Congress do not consider the reasons assigned for his continuance in the public service sufficiently strong to induce an alteration of their Resolution ~~for the removal of Col. Mason from the public service~~ of the 26th July last on the subject.[2]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Mathews, Mr. [John] Sullivan, Mr. [James] Duane.

A report from the Board of Treasury, respecting the memorial of Mordecai Shaftall was read: wherein it is recited that "his account of pay and subsistance as deputy commissary of issues has been settled by the paymaster general."

[1] The Pennsylvania letter is in the *Papers of the Continental Congress*, No. 69, II, folio 302; that of Armand is in No. 164, folio 428.

[2] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 675.

On motion of Mr. [George] Walton, seconded by Mr. [William] Few,

Ordered, That this part of the report be referred to the Board of War to make the necessary enquiry, and report specially.

Ordered, That the remainder of the report be postponed.

The committee, to whom was re-committed the report of the Board of Treasury of 9th, brought in a report; Whereupon,

The Committee to whom was recommitted the report of the Board of Treasury of 9 Inst. and other papers, report.

That a warrant issue on the managers of the United States' Lottery in favor of John Gibson, one of the Commissioners of the Board of Treasury, for thirty thousand dollars in part of the Ballance of Salary due to him

Postponed

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office in the State of Pensylvania, in favour of Ezekiel Forman, one of the commissioners of the Board of Treasury, for thirty thousand dollars, in part of the balance of salary due to him.

~~And another warrant on Thomas Harwood, Esqr Commissioner of the Continental Loan Office in the State of Maryland in favor of the said Ezekial Forman for ten thousand dollars in part of the balance of Salary due to him.~~

Postponed

That a warrant issue on the treasurer in favour of George Measam, one of the commissioners of the chambers of accounts for fifteen thousand dollars, in part of the balance of salary due to him.[1]

That the remainder of the report be postponed.

The delegates for the State of Georgia laid before Congress sundry resolutions:

The underwritten Delegates of the State of Georgia propose, that the instructions to Mr. Jay, respecting the navigation of the Mississippi, and the territory claimed by several states upon its Eastern

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 26, folio 219.

banks, be reconsidered, and that the ultimatum of these states, to the Court of Madrid, be given to the purport and in the manner following:

Whereas a powerful armed neutrality hath been formed in Europe, for the ~~ostensible~~ avowed purpose of vindicating and preserving the rights of a free commerce, and a congress of the neutral powers is ~~said~~ intended to be held in the ensuing winter: by which, it is not improbable, overtures of peace may be made, and that the principle, uti possidetis, may be the foundation, a principle utterly inadmissible by these States;

And Whereas it has been represented, that the only bar to an alliance with Spain, which it is our great interest to effect, is, the navigation of the river Mississippi;

Resolved, therefore, that Mr. Jay be instructed, in case he shall find it indispensibly necessary, to yield in his instructions heretofore given, upon this subject; and that he be empowered to cede to the Crown of Spain, the entire Navigation of the river Mississippi, together with a tract of territory, to begin upon the eastern bank of the said river, where the southern line of Georgia strikes it, running along the said line Eastwardly to the river ~~Alabama~~ Mobille, and thence Northwardly to Cape Anthony on the said river: provided his Catholic Majesty shall, at the same time, enter into a Treaty with these States, to be approved by Mr. Jay, and shall grant an annual subsidy of half a million of pounds sterling for ~~twenty~~ five years, or make a loan of double that sum annually during the war, and shall agree not to accede to proposals of peace ~~upon the principle aforesaid~~ without the concurrence of these States ~~in Congress~~ by their Minister Plenipotentiary, appointed for that purpose.

Resolved, That an Envoy extraordinary be appointed to go to the Court of Versailles, to make, in concert with Mr. Franklin, the public representations of the United States, and that he be charged also with the dispatches for Mr. Jay, which he is to send by a trusty courier, or, in case of his arriving upon or near the coast of Spain, he shall proceed first to the Court of Madrid, and deliver them in person.

Ordered, That the Board of Admiralty be directed to have a frigate in readiness, to carry the said Envoy and dispatches to Europe.

Done at Philadelphia the 10 November, 1780.

Geo Walton
Rich^D Howly [1]

[1] These resolutions, in the writing of George Walton, are in the *United States Revolution*, V.

Ordered, That Wednesday next be assigned for the consideration thereof.

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 20, 1780

A letter, of this day, from W. Grayson, a commissioner of the Board of War, was read, desiring leave of absence for four weeks to visit his family.[1]

Ordered, That leave be granted.

A petition of Captain John Traversi was read:[2]

Ordered, That it be referred to the Board of War.

A letter, of 6, from Governor Clinton; and

A letter, of 2d, from John Bradford, were read:[3]

Ordered, That it be referred to the Board of Admiralty, and that a copy be transmitted to the Board of Treasury.

A letter of 22, and one of 23 of August, from the honorable John Adams at Amsterdam, were read:[4]

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [John] Mathews, Mr. [Willie] Jones and Mr. [Richard] Howly.

A letter, of 10 March, from John de Neuville & Son was read, with sundry papers enclosed respecting a Dutch vessel taken by Captain Jones:

Ordered, That the same be referred to the committee, to whom was referred the report of the Board of Admiralty on the 3d instant.

A letter, of 22 July, from O. Pollock was read:[5]

Ordered, That it be referred to the Board of War.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 277.

[2] This petition, dated November 20, 1780, is in the *Papers of the Continental Congress*, No. 42, VII, folio 398.

[3] Clinton's letter is in the *Papers of the Continental Congress*, No. 67, II, folio 328.

[4] Adams's letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, folios 36 and 41.

[5] This letter is in the *Papers of the Continental Congress*, No. 50, folio 257.

Sundry letters from Mr. Dumas were read, viz.

One of March 21, one of 22, one of 25, and one of 31 of July and one of 18 August:[1]

Ordered, That they be referred to the committee on his letter of December 30.

That Mr. [James] Lovell be added to the said committee.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts Bay, in favour of Colonel Benjamin Flower, commissary general of military stores, for the sum of one thousand two hundred and eighty dollars and 38/90 in bills of credit, emitted pursuant to the act of Congress of the 18th of March, to enable the said commissary general to discharge the balance of Thomas Dickinson's account; and for which sum the said Benjamin Flower is to be accountable.

The Committee of Estimates and of Ways and Means brought in a report which was read; and after debate,

Ordered, That it be re-committed.

Ordered, That two members be appointed to the Board of Treasury.

The members chosen, Mr. [William Churchill] Houston, Mr. [Isaac] Motte.

Congress took into consideration the report of the committee on Governor Jefferson's letter of 7; and thereupon,

Resolved, That it be recommended to the governor of Virginia, to cause the prisoners taken at King's Mountain to be secured in such manner and at such places as he may judge proper:

That a list of the names of the tory prisoners be taken, distinguishing the states, county, or district, to which they severally belong, and transmitted to the executive of their

[1] Dumas' letter of March 21 is printed in the *Diplomatic Correspondence of the Revolution* (Wharton), III, 565.

several states, who are requested ~~take order respecting such as ought not to be pardoned and that the commanding officer in the southern department take order respecting the remainder~~ [to take such order respecting them, as the public security and the laws of the respective states may require].[1]

A letter, of this day, from E. Blaine was read:[2]

Ordered, That it be referred to the committee on his letter of the 12th.

The Board of War, to whom was referred the report of the Board of Treasury respecting Mordecai Sheftal made report.

At a Board of War *Nov 20 1780*

Mr Peters Col Grayson

The Board of War beg leave to report on the reference from Congress of part of the memorial of Mordecai Sheftal.

That on his arrival from the West Indies an account was presented of the pay due to him as Deputy Commissary General of issues and a Warrant was drawn thereupon and paid by the pay master general. That at the time Mr Sheftal objected to the sum being insufficient and claimed an allowance for the depreciation, but being informed by the Board that they had no authority in the case further than to give a warrant for the nominal sum there being no Resolve of Congress for making good the depreciation to the staff officers, Mr Sheftal took the Warrant with a reservation of his claim to the depreciation, if Congress should thereafter think proper to make the allowance to the Staff of the army.[3]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 21, 1780

A letter, of September 3, from George Howell was read.

A letter, of 18, from the Board of War was read, enclosing a letter, of October 26, from Thomas Wylie:

[1] This report is in the writing of William Sharpe, except the words in brackets, which are in the writing of Theodorick Bland. It is in the *Papers of the Continental Congress,* No. 20, II, folio 257.

[2] This letter is in the *Papers of the Continental Congress,* No. 165, folio 383.

[3] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 685.

Ordered, That the same be referred to the Board of War.

Ordered, That a member be elected for the Board of War: The member chosen, Mr. [Ezekiel] Cornell.

A memorial of the owners of Tinicum island was read:[1]

Ordered, That it be referred to the Board of Treasury.

The committee, to whom was re-committed their report on Mr. Blaine's letter of the 12th; and

The Committee to whom was recommitted their Report on the letter from Ephraim Blaine Commissary General, of the 12th instant, and a letter from Robert Forsyth one of his Deputies, of the 13 instant, submit the following report,

That there are emergencies in which a general Embargo may be necessary for the publick safety, the experience of all commercial nations hath evinced.

That this power ought to be exercised by Congress, as the supreme superintending government over the United States, seems manifest; from the distance of many of the States from Congress; the different periods of assembling their Legislatures; their remoteness in some instances from information; the possibility of one or a few States not seeing, or being unwilling to yield to the necessity of the restraint, however obvious to the General Council; and the danger that, without the cooperation of all, the good end of the embargo might be totally frustrated, and a foundation laid for jealousy and distrust.

That upon these principles Congress by their Act of the 8th day of June 1778; *Resolved*, that an embargo should be and it thereby was laid, prohibiting the exportation of the articles of provision therein enumerated for a limited time, and it was recommended to the respective States to take the most effectual measures for carrying the said resolution into immediate execution.

That Congress have found it necessary from time to time to renew the said embargo and that it now remains in full force. And that it has met with the approbation of, and been enforced by the respective States,

That on the 22d of May last on a representation of his Excellency: Joseph Reed Esqr President of the State of Pennsylvania, Congress resolved, that it was highly inexpedient for any of the States to permit

[1] This memorial, undated, is in the *Papers of the Continental Congress*, No. 41, X, folio 117.

the exportation of provisions to foreign parts until the exigencies of the publick service should be more fully ascertained and provided for; That it was thereby most earnestly recommended to the State of Delaware to permit the exportation of provision from that State and to continue the same until it shall be consistent with the publick safety that the like embargoes should be discontinued in all the United States.

That reiterated representations have been made by the Commander in Chief that the army is distressed for provisions, and that no time ought to be lost in forming magazines for their subsistence, while the season admits of transportation. That the most urgent requisitions are daily making by Congress to the respective States to send forward their quotas of supplies, but without adequate success. That notwithstanding the embargo; the pressing calls of the publick; the deficiency of the magazines, and the distresses of the army; it hath been represented by the Commissary General that several vessels loaded with provisions now lie in the river Delaware ready to proceed to sea. That this is a circumstance the more alarming as it appears by a proclamation of the Governor of Maryland dated the 30th day of September last that the embargo shall only remain in force within that State upon condition that the trade of Delaware Bay shall not be open for the emolument of the people residing on its waters, or in its vicinity.

That it is impracticable to carry on the war with vigour or success unless the resolutions of Congress dictated by a sense of duty and of the publick necessities are carried into effect, and that it ought to be expected that every State will cheerfully concur in the measures which at this critical conjuncture shall be directed for the supply of the army, and the publick safety.

That the supreme executive council of the State of Pensylvania have on the 17th of this instant November, represented to Congress the injustice of exporting provisions from the State of Delaware while the embargo was rigorously observed in the Port of Philadelphia. That if the flour so exported had been the product of the State of Delaware, it would have been of little consequence, but that it was well known that much the greater part of these exports, probably four fifths were the produce of Pensylvania. That this conduct appears to the said Supreme executive council to be the more extraordinary as the Commissary General had informed them that the State of Delaware had not furnished a single barrel of the quantity required

from them by Congress, and that the injury done to the trade of Pensylvania, as well as to the supply of the army, would not suffer them any longer to be unconcerned spectators, and that Congress would be too just and reasonable to expect a restriction to be observed in Pensylvania which only tended to distress that State without any publick benefit. That there were six or seven vessels belonging to Philadelphia then loading at Wilmington in the Delaware State with supplies designed for the army and actually paid for by the State of Pensylvania, and which were diverted from their destination, so that unless some more efficacious method to enforce the recommendations of Congress in that respect could be adopted they saw no prospect of affording any further supplies to the army, and that the continuance of the embargo in Pensylvania must entirely depend on the observance of similar restrictions in the adjoining States.

And lastly your Committee are of opinion that it is a duty incumbent on Congress to cause the strictest enquiry to be made into a breach of the embargo of such magnitude and which must be attended with the most dangerous consequences.

Whereupon

Resolved, That Congress agree to the report of their Committee,

Resolved, That the Board of Admiralty be directed to take immediate and effectual measures to seize all vessels in the river Delaware loaded for exportation with any of the articles of provisions enumerated in the before recited resolution of the 8th day of June 1778, and for bringing the same into the port of Philadelphia to be proceeded against according to law, and that the said board also take especial care that no vessel loaded with such provision be suffered to proceed to sea until the embargo shall be repealed by Congress.

Resolved that it be earnestly recommended to the State of Delaware to take effectual measures for maintaining the said embargo, and for bringing to condign punishment all persons who have been or shall be guilty of an infraction thereof.

Resolved, that as soon as it shall be made manifest to Congress by the Executives of the respective States that the supplies required from them for the subsistance of the army are effectually secured, the embargo shall be taken off and every possible encouragement afforded to trade and navigation.

Resolved, that an extract of that part of the letter from the Commissary General which respects the supplies from Delaware be trans-

mitted to the President of the said State and earnestly recommended to his attention.[1]

The committee, to whom were referred the letters of the 22 and 23 August from the honorable J. Adams; and

The Committee to whom were referred the letters of Mr. John Adams, of the 22 and 23 of August last, report,

That it evidently appears the British Ministry have abandoned the Idea of conquering the Northern and Eastern states, but that they have serious views (in which they are encouraged to persevere, by their successes in South Carolina and Georgia) of subjugating the Southern states. That the principal part of the British force will be imployed, and the most vigorous efforts made for that purpose in North Carolina and Virginia, during the ensuing Winter and Spring. It is therefore become indispensibly necessary to use every means in our power, effectually to reinforce the Southern army, that the dangerous designs of the enemy in that quarter may be defeated. For this purpose your committee beg leave to offer the following resolutions—

Resolved, That the Commander in Chief be informed, it is the opinion of Congress, his taking the Command of the Southern army in person will be highly important to the welfare of those states.

Resolved, That the Commander in Chief be required immediately to order the Pennsylvania line, and Artillery, to join the Southern army.

Resolved, That the Commander in Chief be directed to take the most effectual measures for an immediate Co-operation of the troops of his most Christian Majesty with the troops of these United States.[2]

The Committee of Estimates and of Ways and Means, to whom was re-committed their reports, brought in their several reports, which were read.

Congress took into consideration the report of the Committee of Estimates and of Ways and Means, and some progress being made therein,

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, I, folio 375.

[2] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, I, folio 11. It was re-committed on January 1, 1781.

WEDNESDAY, NOVEMBER 22, 1780

A letter, of 21, from Mordecai Sheftal was read:[1]

Ordered, That it be referred to a committee of three:

The members, Mr. [John] Hanson, Mr. [William Churchill] Houston, Mr. [Samuel] Adams.

Congress proceeded to the election of a paymaster general, and the ballots being taken,

Mr. William Geddes was elected.

Congress proceeded to the re-consideration of the resolution, of the 25 of October, on the letter of 29 September from Colonel Pickering:

Resolved, That it be re-committed.

On application of Mr. [George] Plater, delegate for the State of Maryland:

Ordered, That a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office in the State of Pensylvania, for forty thousand dollars; for which the said State is to be accountable.

On motion of Mr. [William Churchill] Houston, seconded by Mr. [George] Plater,

Ordered, That the following warrants issue in favour of Ephraim Blaine, commissary general of purchases, for the use of his department; and for which he is to be accountable, to wit:

One on Thomas Smith, commissioner of the continental loan office in the State of Pensylvania for one hundred thousand dollars; and

One on the managers of the United States lottery for one hundred thousand dollars.

Congress resumed the consideration of the report of the Committee of Estimates and Ways and Means, which was agreed to.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 621.

Ordered, That a committee of three be appointed to prepare instructions to accompany the letter agreed to.

The members chosen, Mr. [James] Duane, Mr. [James] Madison, Mr. [William Churchill] Houston.

Mr. [John] Henry was nominated by Mr. [Jared] Ingersol for the office of secretary to the ~~minister plenipotentiary of the United States~~ Embassy at the Court of Versailles.

On the report of a committee, Congress agreed to the following letter and representation to his Most Christian Majesty.

The United States of America in Congress assembled, to their Great, Faithful and Beloved Friend and Ally, Lewis the sixteenth, King of France and Navarre.

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

Persuaded of your Majesty's friendship, and of your earnest desire to prosecute the war with glory and advantage to the alliance, we ought not to conceal from your Majesty the embarrassments which have attended our national ~~councils~~ affairs, and rendered the last campaign unsuccessful.

A naval superiority in the American seas having enabled the enemy, in the midst of last winter, to divide their army, and ~~further~~ extend the war ~~to~~ in the southern states, Charles Town was subdued before a sufficient force could be assembled for its relief.

With unabated ardour, and at a vast expense, we prepared for the succeeding campaign; a campaign from which, in a dependence on the co-operation of the squadron and troops generously destined by your majesty for our assistance, we had formed the highest expectations. Again the ~~naval Superiority of~~ enemy frustrated our measures. Your majesty's succours were confined within the harbour of Newport, while the main body of the British army took refuge in their fortresses, and

under protection of their marine, ~~afraid~~ declining to hazard a battle in the open field; and, regardless of their rank among civilized nations, they descended to wage a predatory war. Britons and savages united in sudden irruptions on our northern and western frontiers, and marked their progress with blood and desolation.

The acquisition of Charles Town, with the advantages gained in Georgia, and the defeat of a small army composed chiefly of militia, which had been hastily collected to check their operations, encouraged the British commander in that quarter to penetrate through South Carolina into the interiour parts of North Carolina. And the ordinary calamities of war were imbittered by implacable vengeance. They did not, however, long enjoy their triumph. Instead of being depressed, impending danger served only to rouse our citizens to correspondent exertions; and by a series of gallant and successful enterprises they compelled the enemy to retreat with precipitation and disgrace.

They seem however resolved, by all possible efforts, not only to retain their posts in Georgia and South Carolina, but to renew their attempts on North Carolina. To divert the reinforcements destined for those states, they are now executing an enterprise against the seacoast of Virginia; and from their preparations at New York, and intelligence from Europe, it is manifest that the four southern states will now become a principal object of their hostilities.

It is the voice of the people, and the resolution of Congress, to ~~open the next campaign~~ prosecute the war with redoubled vigour, and to draw into the field a ~~powerful~~ permanent and well appointed army of thirty-five thousand regular troops ~~on a fixt establishment.~~ By this decisive effort, we trust that we shall be able,

under the divine blessing, so effectually to co-operate with your Majesty's marine and land forces, as to expel the common enemy from our country, and render the great object of the alliance ~~secure and permanent~~ perpetual. But to accomplish an enterprise of such magnitude, and so interesting to both nations, whatever may be our spirit and our exertions, we know that our internal resources must prove incompetent. The sincerity of this declaration will be manifest from a short review of our circumstances.

Unpractised in military arts, and unprepared with ~~every accommodation~~ the means of defence, we were suddenly invaded by a formidable and vindictive nation. We supported the unequal conflict for years with very little foreign aid but what was derived from your Majesty's ~~disinterested~~ generous friendship. ~~And~~ exertions uncommon, even among the ~~richest~~ most wealthy and best established governments, necessarily exhausted our finances, plunged us into debt, and anticipated our taxes; while the depredations of ~~a vigilant~~ an active enemy by sea and land made deep impression on our commerce and our productions. Thus encompassed with difficulties, in our representation to your Majesty of June 15, 1779, we disclosed our wants, and requested your majesty to furnish us with clothing, arms and ammunition for the last campaign, on the credit of the United States. We entertain a lively sense of your Majesty's friendly disposition in enabling our minister to secure a part of those supplies, ~~but while we return our thanks for this proof of your distinguished regard, your majesty ought not to be unapprized that a very small proportion hath hitherto arrived~~ of which, through unfortunate events, a very small proportion hath arrived. The sufferings of our army, from this

~~misfortune~~ disappointment, have been so severe that we must rely on your Majesty's attention to our welfare for effectual assistance. The articles of the estimate ~~now presented~~ transmitted to our minister are essential to ~~the existence of~~ our army; and we flatter ourselves that, through your Majesty's interposition, they will be ~~procured and sent over with safety and dispatch~~ supplied.

At a time when we feel ourselves strongly impressed by the weight of past obligations, it is with the utmost reluctance that we yield to the emergency of our affairs in requesting additional favours. An unreserved confidence in your ~~majesty's friendship, experience of the virtues which have given you the exalted title of the friend of mankind~~, Majesty and a well-grounded assurance that we ask no more than is necessary to enable us effectually to co-operate with your Majesty in terminating the war with glory and success, must be our justification.

It is well known that when the king of Great Britain found himself unable to subdue the populous states of North America by force, or to seduce them by art to ~~retract~~ relinquish the alliance with your Majesty, he resolved to protract the war, in expectation that the loss of our commerce, and the derangement of our finances, must eventually compel us to submit to his domination. Apprised of the necessity of foreign aids of money to support us in a contest with a nation so rich and powerful, we have long since authorized our minister to borrow a sufficient sum in your majesty's dominions, and in Spain, and in Holland, on the credit of these United States.

We now view the prospect of a disappointment with the deeper concern, as the late misfortunes in

the southern states, and the ravages of the northern and western frontiers have, in a very considerable degree, impaired our internal resources. From a full investigation of our circumstances it is manifest, that in aid of our utmost exertions a foreign loan of specie, at least to the amount of twenty-five millions of livres, will be indispensably necessary for a vigorous prosecution of the war. On an occasion in which ~~our happiness~~ the independence of these United States and your Majesty's glory are so intimately connected, ~~may we be permitted~~ we are constrained to request your majesty effectually to support the applications of our ministers for that loan. So essential is it to the common cause, that we shall without it be pressed with wants and distresses, which ~~will~~ may render ~~a campaign of~~ all our efforts languid, precarious, and indecisive. Whether it shall please your Majesty to stipulate for this necessary aid as our security, or to advance it from your royal coffers, we do hereby solemnly pledge the faith of these United States to indemnify, or reimburse your Majesty, according to the nature of the case, both for principal and interest, ~~the last to be paid~~ in such manner as shall be agreed upon with our minister at your Majesty's court.

We beseech the Supreme Disposer of events to keep your Majesty in his holy protection, and long to continue to France the blessings arising from the administration of a prince who nobly asserts the rights of mankind.

Done at Philadelphia, the 22d day of November, in the year of our Lord, 1780, by the Congress

of the United States of North America, and in the fifth year of our independence.

Your faithful friends and allies.

Signed, SAM'L. HUNTINGTON, *President.*

Attest.

CHARLES THOMSON, *Secretary.*[1]

Adjourned to 10 o'Clock to Morrow.[2]

THURSDAY, NOVEMBER 23, 1780

A letter from Jeremiah Terry, dated Havana, September 4th, was read:

Ordered, That it be referred to the Board of Admiralty.

A letter, of this day, from J. Nicholson, one of the clerks in the chambers of accounts, was read.

Mr. [Jesse] Root, a delegate for the State of Connecticut attended and took his seat.

On motion of Mr. [Jared] Ingersol, seconded by Mr. [Theodorick] Bland, Congress came to the following resolution:

On revising the Journals of yesterday, it being observed that at the time of the election of Mr. William Geddes to the office of paymaster general, it was not adverted to that a complaint had been exhibited against the chambers of accounts, of one of which he was a member, respecting the execution of their office, upon which no report is made;

Resolved, Therefore, That the said election be set aside.[3]

A report from the Board of Treasury was read; Whereupon,

[1] This letter was entered only in the manuscript Secret Journal, Foreign Affairs. It is in the writing of James Duane, and is in the *Papers of the Continental Congress,* No. 25, I, folio 375. A copy of it was made by Thomson, and is on folio 359.

[2] From this point the entries are by George Bond.

[3] This motion, in the writing of Jared Ingersoll, is in the *Papers of the Continental Congress,* No. 36, I, folio 111.

Ordered, That on the application of Mr. [Isaac] Motte, one of the delegates for the State of South Carolina, a warrant issue in his favor on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for twenty thousand dollars; for which the State of South Carolina is to be accountable.[1]

Resolved, That the Board of Treasury furnish the hon. Ralph Izard with bills of exchange, out of those already ordered to be drawn on Dr. Franklin and on Mr. Jay, to the amount of 52,113 livres, being the balance of his account, as accepted by Congress on the 11th of August last; 30,000 livres thereof to be on Mr. Jay, and the remainder on Dr. Franklin.

Resolved, That the hon. John Adams be informed of this transaction, which is to supersede the orders given to the hon. Henry Laurens, on the 11th of August, for the payment of the said balance of 52,113 livres to Mr. Izard.

The Board of War, to whom was referred the letter, of July 22d, from O. Pollock, delivered in a report; Whereupon,

Resolved, That the application of Oliver Pollock for a military commission cannot be complied with.[2]

The Board of War, to whom was referred the petition of Joseph Traversie, report,

"That it is inexpedient to give him any military rank in the army of the United States":[3]

Resolved, That Congress agree to the said report.

A letter, of this day, from E. Blaine, commissary general, was read:[4]

Ordered, That it be referred to the Board of War:

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 727.
[2] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 689.
[3] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 693.
[4] This letter is in the *Papers of the Continental Congress,* No. 165, folio 387.

Ordered, That to morrow be assigned for the consideration of the report respecting embargoes.

Adjourned to 10 o'Clock to Morrow.[1]

FRIDAY, NOVEMBER 24, 1780

Mr. [George] Clymer, a delegate for the State of Pennsylvania, attended and produced the credentials of the delegates for that State, which were read, as follows:

STATE OF PENNSYLVANIA,
IN GENERAL ASSEMBLY,
Thursday 23d November 1780 A. M.

Resolved, That the number of Delegates to represent this State in Congress, for the ensuing year, be five.

The House then proceeded to the election of the Delegates aforesaid; and the ballots being taken it appeared, that the honorable Joseph Montgomery, Samuel Atlee, George Clymer, Henry Wynkoop and Thomas Smith, (of the county of Bedford) Esquires, were duly elected and chosen.

Extract from the Minutes,

SAMUEL STERETT, *Clerk.*[2]

A memorial and representation of the legislature of the State of New Jersey was read,

To the United States in Congress assembled

The Memorial and Representation of the Legislature of the State of New Jersey, Sheweth;

That the Legislature of this State ready at all times to accede to any measures that may be thought to be of General Utility, did pass a law in compliance with the resolutions of Congress of the eighteenth of March last, by which the Treasurer of this State was directed to exchange one Dollar of the money ordered to be issued on the credit of this State for forty Dollars of the Continental currency, and to receive the said new money, in the payment of Taxes in like Proportion. Had the relative value of the Continental currency to Gold and

[1] Here Charles Thomson resumes the entries.

[2] The original is in the *Papers of the Continental Congress*, Pennsylvania, *Credentials of Delegates.*

Silver remained the same, which we suppose to have been the expectation of Congress there would have been no necessity for an alteration of the law of this State but the Continental currency being now depreciated as low as eighty or ninety for one; the Legislature sensible of the great loss the public must sustain by having the new money sent out under such evident disadvantages, have thought proper to repeal that part of the Law which fixes a proportionate value between the new money aforesaid and the Continental currency, in order thereby to establish the value of the said new money equal to that of specie: the propriety of this measure we doubt not, has already occurred to Congress; but as there is a necessity that there should be an uniformity in the value of the money issued by the several States, we would beg leave to suggest to Congress the propriety of recommending this measure to the consideration of the other States in the Union.

The Legislature would further represent that the Inhabitants of this State have from time to time, with the greatest readiness, furnished the Army of the United States, with such articles of supply as have been in their Power; in payment for which, they have received little else than certificates: and as chief part of the Inhabitants of this State are Farmers, and depend upon the sale of their produce for money, and the mode of giving certificates effectually putting it out of the power of a great part of the People to pay their Taxes, unless in certificates; this being the case, but little Continental money will be brought into the Treasury, and this State in consequence has but little prospect, in the mode prescribed by Congress, of drawing out its proportion of the New Money, or the People of receiving what is, and may become, justly due to them from the publick, we wish Congress to take this matter into Consideration, and to devise some means, either by paying the people their just dues from the Continental Treasury, or by enabling this State to receive its proportion of the new money in exchange for the certificates which may be brought into the Treasury by Taxes, by which we might be enabled to satisfy the just demands of the people on account of present Debts, and procure supplies more readily on future requisitions.

The Legislature would further represent, that, notwithstanding the extraordinary exertions of the Inhabitants of this State in furnishing supplies; notwithstanding they have reduced their own stores to a very scanty allowance for themselves and their domestic Dependents; yet such is the situation of New Jersey, that on every want of the

Army, from what cause soever it may arise, she is first called upon to furnish a supply, and her Inhabitants are often obliged to see their Provisions and forage impressed and taken from them by force whilst their Families and cattle are reduced to absolute want: perhaps such a measure may be justifiable in the Commander in Chief, as the comfort and health of his soldiery, are and ought to be, principal objects of his care; but it is owing to a defect somewhere. We would then in justice to our constituents earnestly request, that Congress would take the premises under their consideration and by requiring other States to forward their full proportion of supplies, relieve this State from a burden which will otherwise in a little time become insupportable.

Council Chamber Novr 18th 1780

Signed in and by order of Council.

WIL. LIVINGSTON.

House of Assembly, Novr 20th 1780.

Signed in and by order of the House.

JOSIAH HORNBLOWER, *Speaker.*[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] Duane, Mr. [James] Madison, Mr. [William Churchill] Houston.

A letter, of 20, from General Washington was read.[2]

A letter from the clerks in the several offices was read:

Ordered, That it be referred to the committee on the letters from commissioners of the Board of War.

A letter, of this day, from the Board of Admiralty was read, with sundry papers enclosed.

ADMIRALTY OFFICE *24th Novr 1780.*

SIR,

As it will appear from the contents of the inclosed letter that the building of the 74 Gun Ship is entirely at a stand, and the board having it not in their power to furnish the agent with the requisites necessary to continue that work,

The Board beg leave to suggest to Congress, the propriety of treating with the Minister of France for the sale of that ship, to his most

[1] This memorial is in the *Papers of the Continental Congress,* No. 41, VII, folio 53.

[2] This letter is in the *Papers of the Continental Congress,* No. 152, IX, folio 373.

Christian Majesty, or that Congress would point out any other eligible mode by which the large sums already expended, in constructing that ship, may not be totally lost.[1]

Ordered, That it be referred to a committee of five:

The members chosen, Mr. [William] Sharpe, Mr. [Thomas] McKean, Mr. [John] Hanson, Mr. [James] Duane and Mr. [Samuel] Adams.

A letter, of 23, from the Board of War was read:[2]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [George] Clymer, Mr. [Jesse] Root and Mr. [George] Plater.

The Board of War, to whom was referred the letter from Col. Tupper delivered in a report; Whereupon,

Resolved, That the letter, of the 6th instant, from Colonel Benjamin Tupper, requesting payment for 55 stand of arms, detained by Colonel Fellows from the men of the 8 Massachusetts regiment, at the close of the year 1775, be referred to the executive of Massachusetts Bay, to examine into the nature of the claim, and, if equitable, to take order for the payment of the same, on account of the United States.[3]

Congress resumed the consideration of the report of the committee on the report of the Board of Treasury, of the 7 instant; Whereupon,

Ordered, That a warrant issue on the managers of the United States lottery, in favour of John Gibson, one of the commissioners of the Board of Treasury, for twenty thousand dollars, in part of the balance of the salary due to him.

The Medical Committee laid before Congress a letter, of 21, from Doctor Shippen, director ~~general,~~ which was read; Whereupon,

~~A motion was made by Mr. Duane, seconded by~~

[1] This letter is in the *Papers of the Continental Congress*, No. 37, folio 529.

[2] This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 227.

[3] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 695.

Ordered, That Doctor Shippen, director of the hospitals, ~~be directed to~~ repair to head quarters and put himself under the orders of the Commander in Chief.[1]

The committee, to whom was re-committed their report on the letter from F. Hopkinson, treasurer of loans;

The Committee to whom the report on the letter of Francis Hopkinson Esq. Treasurer of loans was recommitted begs leave to report,

That upon the recommitment Messrs. Forman and Gibson two of the Commissioners of the Treasury attended the summons of your Committee.

That your Committee has met with great difficulties in the course of this Enquiry, the Commissioners of the Treasury having in sundry instances attempted to dictate to them, the manner in which the Enquiry should be made, which has laid your Committee under the necessity of repeatedly enjoining the said Commissioners to forbear that attempt and to permit the Committee to exercise their own judgment in the case referred to them.

That great jealousies and animosities have arisen amongst the officers of the Treasury Department from a variety of orders and regulations proposed or issued by the Board of Treasury, and from the manner in which those orders have been executed, and those jealousies and animosities have considerably increased the difficulties of your Committee.

That it appears on examination, those orders have passed, when a majority of the Board consisted of members of Congress, and therefore the Commissioners of the Treasury may be considered as responsible only for the execution of those orders so far as comes within their particular duties.

That it is not within the duty of this Committee to determine upon the propriety or impropriety of orders and Regulations adopted by any other Committee of Congress; but your Committee is clearly of opinion, that it required much more delicacy and attention than were used on the occasion to carry those orders into execution, without giving just cause of offence.

That the several errors in accts. which have been laid before your Committee by the Treasurer of loans and the Commissioners of the

[1] This motion, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 36, IV, folio 499.

Treasury are all of such nature as might have been readily adjusted without the least injury to the public, had not the Demon of Discord pervaded the whole Department.

That it is the opinion of your Committee, the Treasury should be under the direction of a single officer, accountable to Congress for the Conduct of his Department; but that the arrangement of the Executive Departments having been referred to a Special Committee, it is not within the duty of this Committee to propose an arrangement for this purpose.[1]

The committee appointed to prepare instructions to accompany the letter agreed to the 22d;

The committee appointed to devise ways and means by which the fleet and army of his Most Christian Majesty may be supplied with provisions, &c. and

The committee on the letter from Jon. Bryan, delivered in their respective reports:

On the application of Mr. [John] Hanson, one of the delegates for the State of Maryland;

Ordered, That a warrant issue in his favor on the managers of the United States lottery for twenty thousand dollars; for which the said State is to be accountable.[2]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, NOVEMBER 25, 1780

A letter, of this day, from George Bond, deputy secretary, was read; Whereupon,[3]

Ordered, That a warrant issue in favour of George Bond, deputy secretary, on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for ten thousand dollars, in part of the ballance of salary due to the said George Bond; and for which he is to be accountable.

[1] This report, in the writing of John Walker, is in the *Papers of the Continental Congress*, No. 19, III, folio 179.

[2] These two paragraphs are entered by George Bond.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 45.

A bill of exchange was presented to Congress, drawn on the honourable John Hancock, President of Congress, by Samuel Chew, in favour of the order of Michael Hendrick Lesten, expressed for the sum of six hundred and thirty two guilders, expressed to be for sundries supplied for the brigantine *Resistance*, dated at Demerary, December 8, 1777;

Ordered, That the same be referred to the Board of Admiralty, to take order.

A report from the Board of War was read; Whereupon,

At a Board of War *Nov 24 1780*

Mr Peters, Gen[l] Cornell,

The Board having considered the motion referred to them for discontinuing the Post at Carlisle, are of opinion, that as the public are already possessed of very considerable buildings at that place; and as almost every article necessary for the support of a post can be obtained there on much better terms than in this City, that it would be more to the advantage of the public to send all the artificers in the State of Pennsylvania to Carlisle, and depend entirely upon that post for all the principal supplies, keeping up in Philadelphia only an issuing store, and an Elaboratory for fixing ammunition.

Should Congress concur in opinion, the Board report,

Resolved, That all the artificers in the department of military stores in Pensylvania, be removed to Carlisle; and that in future only an issuing store and an elaboratory for fixing ammunition be kept in Philadelphia.

That General Washington detach a field officer of artillery to take the command and superintend the business at Carlisle, and under the orders of the Board of War.

That the commissary general of purchases be directed to form a sufficient magazine of provisions at Carlisle for the supply of the post.

That the Board of Treasury take immediate measures for furnishing such sums of money as shall be necessary for supplying the department of military stores, agreeably to an estimate approved by the Board of War.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 701.

Congress took into consideration the report of the committee on the letter, of 12, from Jonathan Bryan, which is in the words following:

That the several matters stated in his said letter appear to be true, and therefore from the particular situation of Mr. Bryan, and in consideration of the hardships he has suffered by a long captivity and removal far from his family and friends, at his advanced period of life; they recommend that Mr. Bryan be reimbursed fourteen hundred dollars, advanced by him in March, 1778, for the use of the troops in Georgia, according to the value of the money at that time; and that he also be paid, forty three pounds ten shillings sterling, on account, being one half of the value of the two boats at the time they were ~~impressed in the public service~~ furnished for the use of the army; and that it be referred to the Board of Treasury, to take order.[1]

Resolved, That Congress agree to the said report.

The committee, to whom was referred the report of the Board of Admiralty, delivered in a report.

Resolved, That two members be added to the committee on the letter, of 4 September, from James Jay, in the room of Mr. [Nicholas] Van Dyke and Mr. [Jared] Ingersol:

The members chosen, Mr. [George] Clymer and Mr. [Willie] Jones.

Congress took into consideration the instructions to accompany the letter agreed to on the twenty second instant, and some time being spent thereon,

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 27, 1780

A letter, of September 28, from J. de Neuville and sons was read.

[1] This report, in the writing of Isaac Motte, is in the *Papers of the Continental Congress*, No. 19, I, folio 429.

Two letters, of 12 September, from Mr. Dumas were read:[1]

Ordered, That they be referred to the committee on his former letters of December 30, 1779, &c.

The following letters from the honorable J. Adams were read; viz. 2 of 12th, one of 16, two of 17 and one of 29 June, and one of 24 and one of 25 September:[2]

Ordered, That the letters of 24 and 25 September be referred to Mr. [Jesse] Root, Mr. [John] Mathews and Mr. [James] Lovell; and the others to the Committee of Foreign Affairs.

Two letters, of 19, from Major General Greene were read:[3]

Ordered, That they be referred to Mr. [Ezekiel] Cornell, Mr. [Theodorick] Bland and Mr. [John] Mathews.

A letter, of 13, from Governor Jefferson was read, enclosing a letter from Colonel Wood;

Also a letter, of 21, from Colonel Pickering:

Ordered, That they be referred to the Board of War.

A letter, of 19, from Governor Jefferson was read, with sundry papers enclosed; also

A letter, of this day, from Doctor Shippen.[4]

A memorial and petition from Charles Morse was read; Whereupon,[5]

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensyl-

[1] One of the letters is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 55.

[2] The two letters of June 12 are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 779, 781; that of June 16, p. 787; one of June 17, p. 794; that of June 29, p. 823. Those of September 24 and 25 are in IV, 66 and 67.

[3] These letters are in the *Papers of the Continental Congress*, No. 147, IV, folios 761 and 765.

[4] Jefferson's letter, of 13, is in the *Papers of the Continental Congress*, No. 71, I, folio 521; that of 19 is on folio 527. Pickering's letter is in No. 192, folio 45; Shippen's is in No. 78, XX, folio 575.

[5] This memorial, dated November 27, 1780, is in the *Papers of the Continental Congress*, No. 41, VI, folio 203.

vania, in favour of the said Charles Morse, for eight thousand dollars on account of his salary; and for which the said C. Morse is to be accountable.

A report from the Board of War was read, with a letter enclosed from E. Blaine:

At a Board of War *Novr. 25, 1780*

Present Mr Peters Genl Cornell

In consequence of the reference to them, of Col. Blaine's letter to Mr Houston, the board put the following questions to Colo Blaine—

1st Do you consider yourself authorized to purchase provisions without the orders of Congress. the Board of War, or the Comr in Chief?

2d Have you recd any orders to purchase provisions within two months last past? from whom? how much? and of what kind?

3d How much have you purchased? of what kind? to what amount in continental money?

4th What sums have you paid? What sums remain due? and at what periods did you promise payment?

To all which the board recd the inclosed answer from which it appears that the whole of his purchases amounts to 611.608.12.2 Contl money.

That he has recd on a warrant upon T. Smith	225.000	
That he has warrants yet unpaid for	75.000	
		300.000
That he is in immediate want of		181.608.12.2
And that there will be then due to be paid in 3 months from the 20th inst		130.000
		£611.608.12.2

The Board therefore report

That a warrant issue on Tho. Smith Contl Loan Officer, for the State of Pennsa for four hundred and eighty four thousand, two hundred and eighty nine dollars and $\frac{56}{90}$ to enable him to comply with special contracts, for which he is to be accountable [1]

Ordered, That the same be referred to the Board of Treasury to devise ways and means for advancing to Mr. E.

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 703.

Blaine, commissary general, the sum reported in his favour by the Board of War.

Congress took into consideration the report of the committee on the report of the Board of Admiralty of 24; and thereupon,

Resolved, That the Board of Admiralty be and hereby are authorised to enter into such contracts as they, in their discretion, shall think fit, for the purpose of despatching the frigate *Trumbull* on a cruize, not to exceed six months, for the protection of trade and annoyance of the enemy, without loss of time.

That the Board of Admiralty lay before Congress an account of the expence hitherto accrued in building the continental ship *America,* at Portsmouth, and an estimate of the expence of compleating her hull:

Postponed.

And that they be at liberty to make the proposal suggested in their report respecting that ship.[1]

Ordered, That the remainder of the report be postponed.

The committee, to whom was referred the report of the Board of Admiralty, containing instructions to the commanders of armed vessels, delivered in a report; Whereupon, Congress agreed to the following:

Additional instructions to the captains and commanders of all ships of war and private armed vessels, who shall have commissions or letters of marque and reprisal.

1. You shall permit all neutral vessels freely to navigate on the high seas or coasts of America, except such as are employed in carrying contraband goods or soldiers to the enemies of these United States.

2. You shall not seize or capture any effects belonging to the subjects of belligerent powers on board neutral vessels, excepting contraband goods.

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress,* No. 28, folio 125.

3. The term contraband shall be confined to those articles which are expressly declared to be such in the treaty of amity and commerce, of the 6th of February, 1778, between these United States and his Most Christian Majesty, namely, arms, great guns, bombs with their fuses and other things belonging to them, cannon ball, gun powder, match, pikes, swords, lances, spears, halberts, mortars, petards, grenadoes, saltpetre, muskets, musket ball, bucklers, helmets, breast-plates, coats of mail, and the like kind of arms proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever.

4. That all commissions, bonds, and instructions shall be conformable to the preceding regulations: and if any thing shall be done, or willingly suffered to be done, contrary thereto, the offender shall not only forfeit his commission and be liable to an action for breach of the condition of the bond, but be responsible to the party grieved for damages sustained by such malversation.

5. These instructions, the principles on which they are grounded, and the act of Congress of the 5th day of October last, shall serve as a rule of proceedings in the United States on the legality of prizes.[1]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 28, 1780

A letter, of 25, from Mr. J[ohn] Sullivan was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [George] Clymer, Mr. [Willie] Jones and Mr. [Jesse] Root.

The Medical Committee laid before Congress a letter of this day from Thomas Bond, purveyor of the hospital:[2]

Ordered, That it be referred to the Board of Treasury.

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 28, folio 129. It is entered in the Journal by Thomas Edison.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 49.

A petition from Jacob Watson was read:[1]

Ordered, That it be transmitted to E. Blaine, commissary general.

A petition from John Taggart, and a petition of sundry persons owners of rum seized, were read:

Ordered, That they be referred to the Board of Treasury.

A letter, of 15 [17], from J. Sumner was read:

Ordered, That it be referred to the Board of War.

A letter, of 27, from the Board of War was read:[2]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Richard] Howly, Mr. [John] Mathews, Mr. [Theodorick] Bland.

A letter, of this day, from Mr. [Isaac] Motte, a member of the Board of Treasury, was read, stating, that on examining the certificates, it appears, that of the 1400 dollars, reported in favour of Mr. Bryan, 800 were advanced by him on the 9th March, 1777, and 600 on the 2 March, 1778.[3]

Ordered, That it be referred to the Board of Treasury to take order.

A petition of Philip Lyon and others was read:[4]

Ordered, That it be referred to the Board of Admiralty.

On motion of Mr. [John] Sullivan, seconded by Mr. [Theodorick] Bland,

Ordered, That the Commander in Chief, the commanding officer in the southern department, the inspector general, the adjutant general, and the commanding officer of each states' line, respectively, be supplied with the journals of Congress, for the use of the army.

[1] This petition, dated November 27, 1780, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 204.

[2] Sumner's letter is in the *Papers of the Continental Congress*, No. 78, XX, 609; that of the Board of War is in No. 148, I, folio 229.

[3] This letter is in the *Papers of the Continental Congress*, No. 59, III, folio 37.

[4] This petition, dated November 20, 1780, is in the *Papers of the Continental Congress*, No. 37, folio 537.

Some doubts having arisen in the minds of the general officers, whether the resolution of the 21st of October last, granting half pay for life to the officers who shall remain in service to the end of the war, was meant to extend to them:

Resolved, That the said half pay for life be extended to all major-generals and brigadiers general, who shall continue in service to the end of the war and that the resolution of 21 October was so meant and intended.

A certificate in favour of James Warren, Esquire, by the Commercial Committee was laid before Congress:

Ordered, That it be referred to the Board of Treasury, to devise ways and means for paying the money certified to be due to the said Mr. J. Warren.

On motion of Mr. [James] Duane, seconded by Mr. [Samuel] Adams,

Ordered, That a committee of three be appointed to state the balances due from the respective states on the several requisitions of Congress and to prepare a letter requesting the discharge of those balances indispensably necessary to carry on the war:

The members chosen, Mr. [James] Duane, Mr. [Jesse] Root, Mr. [William Churchill] Houston.

Resolved, That three members be added to the Commercial Committee:

The members chosen, Mr. [George] Clymer, Mr. [Thomas] Bee, Mr. [Jesse] Root.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *Nov.r 28, 1780*

The Board of Treasury having considered the letter from Charles Pettit Esq.r Ass.t Q.r Mas.r Gen.l dated the 13th of Nov.r inst: inclosing copies of two letters of the 5th and 8th instant from Col T. Pickering, beg leave to report

Ordered, That a warrant issue on Nicholas Gilman, commissioner of the continental loan office for the State of New

Hampshire, in favour of Charles Pettit, assistant quarter master, on account of Colonel T. Pickering, Q. M. G. for one hundred and eighteen thousand eight hundred and seventeen dollars and 19/90 of the old emissions, for the use of the department of the said Q. M. General; and for which sum he is to be accountable.[1]

Ordered, That Saturday next be assigned for electing a secretary to the embassy at the Court of Versailles.

A letter, of this day, from the Board of War was read; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the paymaster of the Board of War and Ordnance, for eight thousand dollars, for the purpose expressed in their said letter.[2]

Congress resumed the consideration of the instructions reported by the committee, to accompany the letter agreed to the 22d instant; and the same being amended were agreed to.

On the report of a committee, consisting of Mr. [James] Duane, Mr. [James] Madison and Mr. [William Churchill] Houston, appointed to prepare instructions to the minister plenipotentiary of the United States at the Court of Versailles, Congress agreed to the following instructions to Dr. Franklin:

Sir,

1. The ~~memorial~~ letter to his most Christian Majesty which accompanies these instructions you will ~~present~~ deliver without loss of time. ~~and exert your utmost abilities and diligence and exertions to give it success~~ You will on all occasions, and in the strongest terms, represent the unalterable resolution of these United States to maintain their liberties and independence, and inviolably to adhere to the alliance at every hazard, and in every event. That the misfortunes of the last

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 731.

[2] The letter is in the *Papers of the Continental Congress*, No. 147, I, folio 403.

campaign instead of repressing, have redoubled their ardour. That Congress are resolved to employ every resource in their power to expel the enemy from every part of the United States, by the most vigorous and decisive co-operation with the marine and troops of their illustrious ally. That they have callèd for a ~~large~~ powerful army, and ample supplies of provisions, and that the states are disposed effectually to comply with their requisitions. That, if in aid of our own exertions, the Court of France can be prevailed on to assume a naval superiority in the American seas, to furnish the arms, ammunition and clothing specified in the estimate herewith transmitted, and to assist us with the loan mentioned in the ~~memorial~~ letter, we flatter ourselves, that under the divine blessing, the war must be speedily terminated with glory and advantage to both nations. To procure these necessary aids you will employ unremitted attention, and your utmost abilities. Your own knowledge of our circumstances, and the facts suggested in the ~~memorial~~ letter, will supply you with abundant arguments to ~~support~~ enforce our requisition.

2. You will give Colonel Palfrey, lately paymaster general for our armies, and now our consul ~~general for the Kingdom of~~ in France, all the support which is necessary for the exercise of his consular functions, as well as for the effectual execution of the special authority and instructions which he will communicate. The ~~past~~ sufferings of our army for want of the clothing and arms which the grant of his Most Christian Majesty and your own despatches gave us reason to expect, and the absolute and increasing necessity of their being immediately forwarded, to give efficacy to our future operations, will sufficiently impress upon you the dangerous consequences of a further disappointment.

3. With respect to the loan, we foresee, that the sum which we ask will be greatly inadequate to our wants.

~~not amounting even to a year's pay of the great army which we are drawing into action and on a permanent establishment~~ We wish, however, to depend as much as possible on our own internal exertions. In this negotiation the state of our finances requires, that you should endeavour to procure as long a respite after the war, for payment of the principal, as may be in your power. You may agree for an interest not exceeding the terms allowed or given on national security in ~~France and Holland~~ Europe, endeavouring to suspend the discharge of the interest for two or three years, if possible.

[You are hereby empowered to pledge the faith of the United States, by executing such securities or obligations for the payment of the money as you shall think proper; and also that the interest shall not be reduced, nor the principal paid, during the term for which the same shall have been borrowed, without the consent of the lenders, or their representatives.] You are to stipulate for the payment of both principal and interest in specie.[1] The loan must prove ineffectual, unless the

[1] The following motion was made with reference to this part of the report. It is in the *Papers of the Continental Congress*, No. 25, I, folio 393.

~~Provided the said minister shall on no consideration be authorised~~ and that you are to stipulate for the payment of ~~either~~ both principal and interest ~~of the said debt in any of the commodities~~ in specie of either of these states.

Motion by Mr [John Mathews] seconded by

Moved by Mr [John] Mathews to strike out the words "provided" "shall on no consideration be authorised" "either" "or" "in any of the commodities of either of these United States" and on the question shall those words stand the yeas and nays being required by Mr. [Theodorick] Bland,

Mr. Lovell,	no	no	Mr. Plater,	ay	*
Ward,	no		Mr. Bland,	ay	ay
Mr. Huntington	no	no	Mr. Jones,	ay	*
Root,	no		Mr. Mathews,	no	no
Mr. Duane,	no	no	Bee,	ay	
Fell,	no		Motte,	no	
Mr. Houston,	no	div.	Mr. Few,	no	div.
Clark,	ay		Howly,	ay	
Mr. Clymer,	no	no			

So it passed in the negative.

specie is actually remitted. Experience has shown that the negotiation of bills is attended with unsupportable loss and disadvantage. His Most Christian Majesty, we are persuaded, will see in the strongest light the necessity of despatching an effective naval armament to the American seas. This is a measure of such vast moment, that your utmost address will be employed to give it success. By such a conveyance, the specie may be remitted, in different ships of war, with a prospect of safety. ~~If however it can be obtained at per cent you are authorized to effect it taking care that none but men of unexceptionable fortunes be permitted to underwrite.~~

4. We have received a letter from Stephen D'Audibert Caille, at Salè, of which the enclosed is a copy, wherein he styles himself consul for unrepresented nations at the court of the emperor of Morocco. If you shall see no objections to the contrary, you will correspond with him, and assure him in the name of Congress, and in terms the most respectful to the emperor, that we entertain a sincere disposition to cultivate the most perfect friendship with him, and are desirous to enter into a treaty of commerce with him; and that we shall embrace a favourable opportunity to announce our wishes in form.

You are to take upon yourself as far as may be consistent with your present functions the office of adjusting preliminaries for a treaty with that prince according to the ~~form~~ articles herewith forwarded provided that: you shall conceive it for the honor and interest of the United States to make such advances; and it shall be agreeable to the court at which you reside.[1]

Adjourned to 10 o'Clock to morrow.

[1] These instructions were entered only in the manuscript Secret Journal, Foreign Affairs. They are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 163. The draft, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 25, I, folio 371, except the portion in brackets, which is an amendment and is on folios 393 and 395.

WEDNESDAY, NOVEMBER 29, 1780

Mr. [Oliver] Wolcott, a delegate for the State of Connecticut, attended and took his seat.

E. Blaine, commissary general, having returned the petition of Jacob Watson with a certificate thereon:[1]

Ordered, That it be referred to the Board of War.

A petition of James Worral; and

A letter from Thomas Edison, of this day, were read:[2]

Ordered, That they be referred to the Board of Treasury.

A petition of David Lard, Samuel Henderson and Nathaniel Torbert was read:[3]

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Charles Pettit, Assistant Q. M. G., approved by the Board of War, a warrant issue on the treasurer in his favour for twenty four thousand dollars, to enable him to discharge an order drawn by Thomas Chase, late deputy Q. M. at Boston, dated June 9, 1780, on Nathaniel Greene, late quartermaster general, in favour of M. de Capitaine, aid de camp of Major General, the Marquis de la Fayette; for which sum the said Nathaniel Greene, late Q. M. G. is to be accountable.[4]

The Board of War, to whom was referred the letter, of 21, from Colonel Pickering, Q. M. G. delivered in a report; Whereupon,

Resolved, That the act of Congress, of the 8th of January last, providing for the payment of officers' horses killed in action, be extended to such officers entitled to keep them,

[1] This certificate, indorsed on Watson's petition, of November 27, is in the *Papers of the Continental Congress,* No. 42, VIII, folio 204.

[2] Worral's petition, undated, is in the *Papers of the Continental Congress,* No. 42, VIII, folio 213; Edison's letter is in No. 78, VIII, folio 357.

[3] This petition, dated November 29, 1780, is in the *Papers of the Continental Congress,* No. 42, IV, folio 228.

[4] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 729.

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who shall have their horses wounded and disabled in action; provided the horses so wounded and disabled be delivered to the department of the quartermaster general.[1]

Mr. [Thomas] Bee withdrew the name of Mr. Pinkney, whom he had nominated for the office of secretary to the embassy of the Court of Versailles, and nominated Mr. J[ohn] Mathews for that office.

A report from the Board of Treasury was read; Whereupon,

Resolved, That two commissioners be appointed to act, in conjunction with the treasurer, in examining, counting and burning the continental bills of credit paid in by the several loan officers, to be destroyed under the direction of the Board of Treasury:

That the treasurer and commissioners aforesaid, take proper care to select all counterfeits, if any may happen to be among the bills so brought in to be destroyed.

Ordered, That the remainder of the report be postponed.

The committee on the memorial of John Henderson, in behalf of O. Pollock, delivered in a report.

The Committee to whom was referred the memorial of John Henderson in behalf of Oliver Pollock Agent at New Orleans beg leave to submit the following Report,

That it appears by a letter from Don Bernardo de Galvez Governour for his Catholick Majesty at New Orleans dated 22d July last, that the said Governor from a disposition to be serviceable to these United States has advanced several sums and Effects to Oliver Pollock agent for Congress at New Orleans to the amount of 74,087 Dollars, That he advanced these sums even at a time when he was greatly straitened for money and expected that the reimbursement was to have been made in flour and remitted for the use of his province.

That by a letter from our minister plenipotentiary at the Court of Spain, Governour Galvez is recommended to the particular attention

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 709.

of Congress from the attachment which his Family at Madrid have shewn to the Interest and Independance of the United States.

That it appears from the Certificate of the Committee of Commerce that a ballance is due from the United States to Mr Pollock for advances by him to the amount of 37,836¼ Specie Dollars. That in the account so settled 50,318 Dollars of the money lent by Governour Galvez is included; That 23,669 dollars, the remainder of his advances, appears to your Committee to have been applied for the exclusive use of the State of Virginia; and is not chargeable to the United States.

That your Committee are of opinion that a letter ought to be written by the President to Governour Galvez acknowledging in respectful terms his good disposition towards these States and his services and assuring him that Congress are sincerely disposed to cultivate the strictest Friendship with his Catholick Majesty and all his subjects.

Resolved, that bills of exchange be drawn on the minister plenipotentiary of these United States at the Court of Madrid in favor of Pollock for 37,836 specie dollars, payable at days sight in full of the ballance of his account.

The Committee subjoin the Draft of the letter to Governor Galvez.[1]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, NOVEMBER 30, 1780

A letter, of 26th June, from the honorable J. Adams was read, with sundry papers enclosed:[2]

Ordered, That they be referred to a committee of three:

The members, Mr. [James] Lovell, Mr. [William Churchill] Houston, Mr. [Isaac] Motte.

A copy of a letter, of March 16, from the honorable Doctor Franklin; and[3]

A memorial of Captain Hutchins, was read.

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 50, folio 317. The draft of the letter to Galvez is not with the report.

[2] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 818.

[3] This letter is printed in the *Diplomatic Correspondence of the American Rovolution* (Wharton), III, 553.

A letter, of 26, from General Washington was read:

Ordered, That it be referred to a committee of three:

The members, Mr. [Ezekiel] Cornell, Mr. [John] Sullivan, Mr. [Artemas] Ward.

A letter, of this day, from W. Palfrey was read:[1]

Ordered, That it be referred to the Board of Treasury to take order.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on Thomas Smith,[2] commissioner of the continental loan office for the State of Pensylvania, for four hundred and eighty four thousand two hundred and eighty nine dollars and 56/90, in favor of Ephraim Blaine, commissary general of purchases, for the use of his department; and for which he is to be accountable.[3]

The committee, to whom was referred a letter from the Board of War, of November 27th, delivered in a report; Whereupon,

Resolved, That ~~in consideration of the great distress under which the officers who are prisoners at Charlestown labour, a sum in specie should be furnished to the Board of War, that it may be transmitted for the supply of said officers, by the flag which is now ready to proceed to South Carolina; and as a difficulty has appeared in obtaining specie by the sale of bills that~~

The sum of four thousand dollars, in specie, now in the hands of the treasurer, be applied to the use of the officers who are prisoners at Charlestown, and transmitted for the supply of the said officers by the flag which is now ready to proceed to South Carolina; and that bills on our ministers in Europe, to the amount of the said sum, be by the Board of

[1] Washington's letter is in the *Papers of the Continental Congress,* No. 152, IX, folio 377; that of Palfrey is in No. 165, folio 549.

[2] From this point the entries are by George Bond.

[3] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 733.

War returned and deposited in the hands of the ~~treasurer for payment of the same~~ commissioner of the continental loan office for the State of Pennsylvania.[1]

Ordered, That the Board of Treasury immediately make sale of part of the aforesaid bills, so deposited by the Board of War, to the amount of one hundred thousand dollars, to be put into the hands of the Board of War, to forward the waggons with stores for the use of the southern army, and for payment of the artificers ordered to the southward.

A report from the Board of War was read; Whereupon,

Resolved, That there be a commissary general of purchases, whose duty shall be to purchase provisions under the directions of Congress, the Commander in Chief or Board of War: to call upon the principal state agents or commissioners for such supplies as their respective legislatures shall make provision for, and to keep up a regular correspondence with them, to the end that their prospects of furnishing such supplies may be fully known; of which correspondence he shall keep a fair and correct register, as well as of every other official transaction: to direct the quantities and species of provisions to be stored in the magazines of the several states, under the orders of the Commander in Chief, and cause the same to be forwarded to the army, as occasion shall require; for which purpose he is hereby empowered to call on the quartermaster general, and the deputy quartermasters for the means of transportation: to make monthly returns to the Commander in Chief and Board of War of all persons employed by him, specifying for what time and on what terms; and of all provisions received in each month, from whom, from what State, and the quantities delivered to the issuing commissaries, their names, and at what posts; also of all provisions remaining on hand, at what magazines and in whose care; the returns to

[1] This report, in the writing of Richard Howly, is in the *Papers of the Continental Congress*, No. 27, folio 113.

be made up to the last day of each month, and forwarded as soon after as may be: to cause all his accounts with the United States to be closed annually, on the 1st day of January, and laid before the Board of Treasury for settlement, by the 1st day of March ensuing:

That there be a deputy commissary of purchases for the southern army, appointed by the commissary general, whose duty shall be the same with respect to that army, as that of the commissary general with the main army: he shall make his returns to the commanding officer of the southern army, and to the commissary general, to whom he shall be responsible:

The commissary general and the deputy commissary shall each appoint one assistant commissary, one superintendant of live stock, two clerks, and as many butchers, coopers, drovers and labourers, as may be necessary for conducting the business of the department, and shall have power to fix the pay of the butchers, coopers, drovers and labourers subject to the controul of the Board of War:

That the pay of the several officers in the department be in the bills emitted in pursuance of the resolution of the 18th of March last as follows:

The commissary-general 177 dollars per month, 3 rations for himself and servants, and forage for 2 horses; deputy commissary 125 dollars per month, 2 rations for himself and servant, and forage for 2 horses:

Assistant commissaries 75 dollars per month, 2 rations and forage for 1 horse.

Superintendants of live stock 50 dollars per month, 1 ration and forage for 1 horse.

Clerks 40 dollars per month and 1 ration.

Resolved, That no officer appointed under the foregoing regulations be entitled to draw pay unless he produce a certificate of his having taken the oaths prescribed by the resolution of the 3d of February, 1778:

Resolved, That Ephraim Blaine, esq. be continued commissary general of purchases:

That it be recommended to the several states immediately to inform the commissary general and deputy commissary of the names of their principal agent or commissioner, respectively, for supplying the army, and to oblige them to give information, from time to time, to the commissary general, or the deputy commissary with the southern army, as the case may be, of their prospects, and how far they shall be able to comply with their requisitions:

That the live stock to be furnished by the several states be delivered to such store keepers, within each state, at such times and in such quantities, as the commissary general or the deputy commissary, shall direct, under the regulations contained in the act of Congress of the 15th of July last, for the delivery of all other public property:

That the store keepers appointed by the deputy quarter masters be subject to the orders of the commissary general, to whom they are to make monthly returns of all their receipts and deliveries, as far as respects his department, and in such manner as he shall direct:

That all the resolutions of Congress heretofore made, respecting the department of the commissary general of purchases, be and they are hereby repealed.

Adjourned to 10 o'Clock to Morrow.[1]

FRIDAY, DECEMBER 1, 1780

Mr. [Wm. Churchill] Houston, one of the delegates for the state of New Jersey, laid before Congress the credentials of their appointment, which were read in the words following:

At a Joint Meeting of the Council and Assembly of the State of New Jersey at Trenton the Twenty fourth day of November in the Year of our Lord One thousand seven hundred and eighty

[1] Here Charles Thomson resumes the entries.

The following Gentlemen were elected to represent the said State in the Congress of the United States of North America, to wit

The Honble John Witherspoon Abraham Clark William Churchill Houston William Paterson and William Burnet, Esq^rs

Resolved, That the said John Witherspoon, Abraham Clark, William Churchill Houston, William Paterson and William Burnet, or any two or more of them, be empowered to represent and vote in Behalf of this State, in the Congress of the United States of North America, from the first day of December next until the first day of December in the Year of our Lord One thousand seven hundred and eighty one, unless a new Appointment shall sooner take place. It is Nevertheless expected that three of the Delegates do constantly attend in Congress unless prevented by sickness or other accident

Signed by Order of the Joint Meeting

JN^o STEVENS, *Chairman.*[1]

A letter, of 16, and one, of 30 October, from Parsons, Alston & Co. at Martinique, were read:

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [John] Mathews, Mr. [William Churchill] Houston, Mr. [James] Lovell.

A memorial of Captain Leonard Cooper was read:

Ordered, That it be referred to the Board of War.

The Board of War laid before Congress an extract of a letter from Colonel Febiger:[2]

Ordered, That it be referred to the Board of Treasury to take order.

The committee, to whom was referred the letter of Mordecai Sheftal, report,

That they have examined the accounts of the said Mordecai Sheftal, and that although he cannot from his having long been a prisoner and his papers being in South Carolina, produce the necessary vouchers to settle the same, yet they

[1] The original is in the *Papers of the Continental Congress,* New Jersey, *Credentials of Delegates.*

[2] Febiger's letter, dated November 29, is in the *Papers of the Continental Congress,* No. 148, I, folio 237.

have reason to believe that there is a considerable balance due to him; Whereupon,

On motion of the delegates for the State of Georgia,

Ordered, That a warrant issue on the treasurer, in their favour for twenty thousand dollars, for the use of the said Mordecai Sheftal; the said State to be accountable.

On motion of Mr. [John] Sullivan, seconded by Mr. [Thomas] Bee,

Resolved, That the order of the day to morrow, for electing a secretary to the commission of our Minister Plenipotentiary at the Court of Versailles be postponed to ~~Thursday~~ Wednesday next.

The delegate for Pensylvania laid before Congress a letter, of 30 November, from the supreme executive council of Pensylvania:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Jesse] Root, Mr. [William] Sharpe, Mr. [James] Madison.

A petition of Robert Harris was read:

Ordered, That it be referred to the Board of Admiralty.

A report from the Board of War was read; Whereupon,

WAR OFFICE, *Decr 1, 1780*

Present Mr Peters Genl Ward, Genl Cornell.

The board have the honor to lay before Congress sundry accounts received from Saml Fletcher Esqr who was appointed in the year 1778 an agent for storing, airing and forwarding the clothing then arrived from France at the Eastward. No compensation was stipulated for Mr Fletcher's trouble, nor do we conceive that we have power now to fix such compensation, or to settle the account—our duty being merely to employ him and direct his conduct.

We therefore beg leave to report

Ordered, That the accounts of Samuel Fletcher, late a cloathing agent, employed by the Board of War, by virtue of authority vested in them for the purpose by Congress, be referred to the Board of Treasury, who are hereby directed

to take order for the settlement thereof, and to report to Congress what ought to be allowed as a reasonable compensation for his services:[1]

Ordered, That a member be added to the committee appointed to prepare a plan for arranging the finances paying the debts and œconomising the revenues of the United States, in the room of Mr. [Timothy] Matlack:

The member chosen, Mr. [George] Clymer.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office in the State of Pensylvania, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for three thousand dollars, to be paid to Colonel Febiger, to enable him to perform certain services in which he is employed by the commanding officer in the southern army; and for which the said paymaster is to be accountable.[2]

Congress resumed the consideration of the report of the committee on the letter from Arthur Lee; Whereupon,

The Committee to whom were referred the letter from Arthur Lee Esq. &c submit the following Report.

Arthur Lee Esq. having deposited with the President of Congress a picture of the King of France set with Diamonds presented to him by the Minister of that Monarch on his taking leave of the Court of Versailles as a mark of his Majesty's esteem and intimated that as the picture was presented to him in consequence of his having been a Commissioner of Congress at that Court, it did not become him to retain the same without the express approbation of Congress,

Resolved that he be informed that Congress approve of his retaining the picture.

Resolved that Mr Lee be further informed in answer to his letter, that there is no particular charge against him before Congress properly supported; That Congress are sensible of his zealous and faithful exertions to discharge the great public trust reposed in him, and *that he be*

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 711.

[2] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 735.

assured his recall was not intended to fix any kind of censure on his character or conduct abroad ~~but appeared at the time a necessary measure to put a stop to differences subsisting among their Commissioners in Europe greatly detrimental to the Interests of the United States, the particular grounds of which differences it was not then in the power of Congress fully to investigate~~

Resolved, That Mr. Lee be informed, that Congress approve of his retaining the picture: that he be further informed, in answer to his letter, that there is no particular charge against him before Congress properly supported, and that he be assured his recall was not intended to fix any kind of censure on his character or conduct abroad:

The Committee also report, that the sum mentioned in his accounts to have been paid for intelligence appears a reasonable charge and ought to be allowed.

That the same allowance be made to his secretary as was made to Mr. Stockton, who acted in that capacity to the honourable William Lee; and that the other articles stated in his accounts, with the vouchers produced, be referred to the Board of Treasury for liquidation.[1]

A letter, of 23d, from the governor and council of Maryland was read.[2]

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 4, 1780

On motion of Mr. [Samuel] Adams, seconded by Mr. [James] Duane,

Resolved, That a committee of three be appointed to take order for procuring for public use on the best terms they can the salted meat imported in a prize into Philadelphia.

The members, Mr. [Samuel] Adams, Mr. [George] Clymer, Mr. [James] Duane.

[1] This report, in the writing of Thomas Bee, is in the *Papers of the Continental Congress*, No. 19, III, folio 511.

[2] This letter is in the *Papers of the Continental Congress*, No. 70, folio 435.

The delegates for Maryland laid before Congress a letter, of 22, from the governor of that State, which was read:

Ordered, That it be referred to the Board of War to take order.

A letter, of 28 November, from General Washington, was read, inclosing a copy of a letter, of 25 of the same month, from Major Talmadge, giving an account of his surprising and taking fort St. George, on Long Island, and the garrison.[1]

Ordered, That the same be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [Ezekiel] Cornell, Mr. [John] Mathews.

A letter, of May 22, from the honorable B. Franklin; [2]

And a representation of Florat de Florimont,[3] were read:

Ordered, That they be referred to the Board of War.

A letter, of 10 November, from John Lloyd, Junior, was read: [4]

Ordered, That it be referred to the Board of Treasury.

A letter, of 24 August, and one, of September 4, from the honorable J. Adams, were read.[5]

The Board of War, to whom was referred the petition of Jacob Watson, delivered in a report; Whereupon,

At a Board of War, *Decr*

Genl Ward Genl Cornell, Mr Peters

The Board having taken into their consideration that part of the letter from Jacob Watson, relating to the hides supplied Major Lee's Corps beg leave to inform Congress

[1] The Maryland letter is in the *Papers of the Continental Congress*, No. 70, folio 445. Washington's letter is in No. 152, IX, folio 381; it is printed in the *Writings of Washington* (Ford), IX, 40.

[2] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 697.

[3] This representation, dated November 30, 1780, is in the *Papers of the Continental Congress*, No. 43, folio 73.

[4] This letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 393.

[5] Adams's letter of September 4 is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 45.

That the hides mentioned in the memorial were the property of the memorialist, and were bartered with his consent by Major Lee when stationed at Burlington for Boots for his corps; so that an equivalent for the hides is due to the memorialist, and the Board conceive it ought to be paid, wherefore the following report is submitted

Ordered, That the Board of War take order fcr the repayment to Jacob Watson for a quantity of hides delivered to Major Lee.

The board beg leave to represent to Congress that a practice has long subsisted whereby great confusion has been introduced into the public accounts, and however well meant, is too frequently attended with bad consequences. The practice alluded to, is that of officers bartering public hides for supplies for their men, or purchasing articles from the citizens, and drawing for payment on public departments, whereby partial supplies are obtained, which always create jealousies, and the public purchasers being multiplied, prices are of course enhanced, nor will it ever be in the power of the Board, or of the officers at the heads of the civil departments to conduct the business thereof, or know what public property is on hand, if it is subject to the disposal of any others than those Congress have authorized for that purpose. We therefore submit the following resolution,

Resolved, That no officer of the line of the army of the United States, without express authority from Congress for that purpose, make any contract or bargain, or give any orders, for the purchase of articles for the use of the troops in the departments of the cloathier general, quartermaster general or commissary general of purchases, except in cases of necessity for provisions and forage for detachments or parties in places where the same cannot be drawn from the public stores or magazines.[1]

A letter, of 1, from Ezekiel Forman and John Gibson, commissioners of the Board of Treasury, was read.

[1] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 713.

The committee, to whom was referred the letter, of 26 November, from General Washington, delivered in a report; Whereupon,

Resolved, That, instead of the additional pay allowed to officers in the inspector's department, by the resolution of Congress of the 25 ~~October~~ September last, the following sums be allowed, viz.

To the adjutant general, as assistant inspector, thirty five dollars per month:

To an assistant inspector in a separate army, thirty dollars per month:

To a lieutenant colonel, as inspector of a division, twenty five dollars per month:

To a major, as inspector of a brigade, twenty five dollars per month.

Resolved, That the corps of marechaussee be continued upon their former establishment.

Resolved, That Mr. Simeon de Witt be appointed geographer to the army, in the room of ~~William~~ Robert Erskine, deceased.[1]

A letter, of 30 November, from B. Binney, hospital surgeon; and

One, of this day, from M. Maus, surgeon of the invalid regiment, were read:[2]

Ordered, That they be referred to the Medical Committee.

A report from the Board of Treasury was read; Whereupon,

Ordered, That for the future there be only three superintendants of the press, and that Isaac Howell, Peter Thomson and Nathaniel Faulkner be continued in office to discharge that business:

That the commissioners to be appointed for examining, counting and burning the continental bills of credit, as men-

[1] This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, VI, folio 321.

[2] Binney's letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 97.

tioned in the resolution of Congress of the 29 of November last, be allowed at the rate of 2-90ths of a dollar, continental currency, per hundred dollars, or the equivalent thereof in the new bills, or other current money, to be equally divided between them:

That John Biddle and Isaac Gray be appointed commissioners for examining, counting and burning the continental bills of credit, agreeable to the resolution of 29 November, and that they take an oath or affirmation of office, previous to their entering on the discharge of their duty.

Resolved, That the salaries of the officers on the civil list, as fixed by the resolutions of the 13th and 25 of September last, have retrospect to the 1st day of September, 1777, anything in the resolution of the 15 November, which gives them a retrospect only to the 2d of November, 1778, notwithstanding.[1]

On motion of the delegates for Pennsylvania,

Resolved, That Thomas Smith and Richard Bache be appointed commissioners on the part of the United States, either of them to endorse the bills that shall be emitted by the state of Pennsylvania, pursuant to the resolution of Congress of the 18 of March last.

The delegates of Georgia moved a resolution:

Ordered, That it be referred to a committee of three:

The members, Mr. [George] Walton, Mr. [William] Sharpe, Mr. [John] Sullivan.

A letter, of November 15, from the Governor of New York was read:

Ordered, That it be referred to the Board of War.

A letter, of November 14, from Major General Gates was read, with sundry papers enclosed:[2]

Ordered, That it be referred to the Committee of Intelligence.

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 741.

[2] The New York letter is in the *Papers of the Continental Congress*, No. 67, II, folio 332; Gates's letter is in No. 154, II, folio 315.

A letter, of 26 November, from the governor of Virginia was read.

A letter, of 16 September, from the honorable John Jay; and

Two letters, dated August 22, September 6 and 9, from W. Carmichael, were read:[1]

Resolved, That a member be elected for the Board of Treasury, in the room of Mr. [William Churchill] Houston, who is about to be absent for some time:

The member chosen, Mr. [Oliver] Wolcott.

Mr. [William] Floyd, a delegate for New York attended and took his seat.[2]

A report from the Board of Treasury was read: Whereupon,

Ordered, That on the application of Charles Pettit assistant quarter master general, a warrant issue in his favor on John Lawrence, commissioner of the continental loan office for the State of Connecticut, for seven thousand five hundred dollars in bills of credit, emitted pursuant to the act of Congress, of the 18th of March last, for the use of that department; and for which the quarter master general is to be accountable.

Ordered, That the remainder of the report be re-committed.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, DECEMBER 5, 1780

A letter, of 25 November, from R. Varick, and a letter, of 30th November, from Samuel Patterson, were read.

A letter, of 5, from Colonel Armand was read:

Ordered, That it be referred to the Board of Treasury to take order.

A letter, of 4, from D[avid] Jackson, hospital surgeon, was read, requesting leave to resign:

[1] Jay's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 59; Carmichael's of August 22, p. 38, and that of September 9, p. 51.

[2] The rest of the entry for this day is by George Bond.

Ordered, That leave be granted.

A letter, of 4, from William Winder, one of the navy board of the middle department, was read, stating that he understands a reform of the said board has been in contemplation, and requesting leave to retire, his pay in the mean time ceasing, until Congress shall have an opportunity of fixing the new establishment.[1]

Ordered, That he have leave to retire, till further orders from Congress.

A letter from Baron d'Arendt was read:

Ordered, That it be referred to the Board of War.

Congress took into consideration the propositions of the delegates of Georgia; and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 6, 1780

Mr. [Samuel] Atlee, a delegate for the State of Pensylvania, attended and took his seat in Congress.

A letter, of this day, from William Palfrey was read:[2]

Ordered, That it be referred to the committee on his letter of 9 November.

The President laid before Congress two bills drawn upon the President and the honorable Members of Congress by a certain Baron de Wulffen, in favour of Messrs. John de Neuville & Sons, and by them endorsed over:

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [James] Duane, Mr. [Samuel] Adams, Mr. [George] Clymer.

The committee to whom was referred the letter of 28 November, from General Washington, brought in a report; Whereupon, Congress came to the following resolution:

[1] Varick's letter is in the *Papers of the Continental Congress,* No. 78, XXIII, folio 181; Patterson's is in No. 78, XVIII, folio 343; Armand's is in No. 164, folio 432; Jackson's is in No. 78, XIII, folio 187; Winder's is in No. 78, XXIV, folio 283.

[2] This letter is in the *Papers of the Continental Congress,* No. 165, folio 553.

While Congress are sensible of the patriotism, courage, and perseverance of the officers and privates of their regular forces, as well as of the militia throughout these United States, and of the military conduct of the principal commanders in both; it gives them pleasure to be so frequently called upon to confer marks of distinction and applause for enterprizes which do honor to the profession of arms, and claim a high rank among military atchievements: in this light they view the enterprize against fort St. George, on Long Island, planned and conducted with wisdom and great gallantry, by Major Talmadge, of the light dragoons, and executed with intrepidity and complete success by the officers and soldiers of his detachment.

And the victory obtained by Genl Sumpter at the head of a party of brave militia, over the British Cavalry and Infantry under Major Wemyss on the West side of the Wateree in South Carolina.

Ordered, therefore, That Major Talmage's report to the Commander in Chief, and Major Genl Gates's communication of Genl Sumpter's victory, be published with the preceding minute, as a tribute to distinguished merit, and in testimony of the sense Congress entertain of their brilliant services [1]

Ordered, therefore, That Major Talmadge's report to the Commander in Chief be published, with the preceding minute, as a tribute to distinguished merit, and in testimony of the sense Congress entertain of this brilliant service.

A report from the Board of War was read; Whereupon,

War Office *Decr. 6, 1780*

Sir,

The Board have received information from Colo. Rawlins Comy of prisoners at Fort Frederick in Maryland of the approach of about eight hundred of the Convention Troops from Charlotteville towards that post, which he represents as exceedingly distressed on the score of provisions. We have directed the Depy Comy Genl of purchases,

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, VI, folio 323.

Major Forsythe, to take the charge of supplying all these troops both at their former station and those at Fort Frederick, and have requested the governments of Virginia and Maryland to give orders to their purchasers respectively in those parts of the said States convenient to Fort Frederick to furnish the necessary supplies to the orders of Major Forsythe, in part of the quotas called for by Congress for the army—Virginia supplying one half for the prisoners at Fort Frederick, and Maryland the other half. The Barracks at Fort Frederick are in very bad condition—they will not cover all the prisoners now there, and those of the first division of the Convention Troops, ordered by the executive of Virginia to that post. We therefore beg leave to ask the opinion of Congress on the subject; as the covering of the prisoners will be very expensive at Fort Frederick, nor is it clear that a greater number than those who must of necessity now reside there (amounting to near 1100 including 280 who have been at the post for a long time past) can be supported from the supplies convenient to the post. The removal of the prisoners from Charlotteville seems now to be rendered unnecessary by the departure of the enemy from Virginia, and there being buildings already erected at that post, for the accommodation of the prisoners, it should seem that it is most expedient for those of them who have not been removed to remain there. Should Congress be of this opinion it may be proper to resolve,

Resolved, That such of the Convention troops as are not already removed from the barracks near Charlotteville, in the State of Virginia, remain at that post until the farther order of Congress.[1]

The committee on Mr. Adams' letter, of June 26; and

The Committee to whom was referred the Letter of June 26 from the Honble John Adams at Paris report,

That the Letter should be referred to the Com^tee^ of foreign affairs, and that they be instructed to inform Mr Adams of the Satisfaction which Congress receives from his industrious attention to the Interests and Honor of these United States abroad, especially in the Transactions communicated to them by that Letter.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 717.

[2] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 19, I, folio 7. It is indorsed: "Postponed."

The committee on Mr. Adams' letters, of 24 and 25 September; and

The committee on the letter from Parsons, Alston and Company, delivered in their respective reports.

Decr 5th 1780

The Committee to whom were referred two letters; dated from Martinique 16 and 30 of October last and directed to the Committee of Foreign Affairs, beg leave to state as follows—

That the Crops of the present year having been, in general, so plentiful as to afford not only a full supply for every purpose of home consumption, but also a considerable surplus for foreign Market, it is, for this reason, unnecessary to continue the embargo on the exportation of Provisions.

That the sufferings of the West India Islands by the late violent Hurricane furnish an additional reason for taking off the said embargo, in order that the inhabitants of such of the said Islands as are friendly to these States, may be supplied with the necessary articles of subsistence.

That the discontinuing of the embargo will greatly extend the trade of these States, and, of course, have a beneficial effect upon their Agriculture, Finances and Navigation.

That the exportation of provisions may, by laws enacted for that end, be so regulated and restricted, as to prevent, in a great degree, clandestine Commerce and the capture of supplies by the enemy: in so great a degree, at least, as that the advantages of a freer trade will more than counterbalance the disadvantages arising from that circumstance.

From the foregoing view of facts the Committee report the following Resolutions:

That the embargo laid the day of to prohibit the exportation of provisions from the ports of these States to foreign parts, and continued, from time to time, by divers resolutions of Congress, be taken off under the following qualifications and restrictions, that is to say:

That all persons in allegiance to any of these States and the subjects of Powers friendly to them, trading to and from any port of the said States be allowed to Ship and transport on board Armed vessels carrying not less than sixteen carriage Guns, well mounted

and manned, none of the said Guns being less than 4lbders, such provisions as the said States, on a careful consideration of circumstances, may in their discretion, judge can be spared from their Territories respectively.

That each vessel be allowed to take on Board 25 barrels of Flour for every 4lbder carriage gun, 40 for every 6lbeer and so progressively in that proportion; and the proper quantities of other species of provisions comparing them with the said stated quantity of Flour.

That each vessel be manned as follows, 4 men to every 4lbder, 5 to every 6lbder and in suitable proportion to guns of a larger size: Officers not to be reckoned in the said complements.

That these regulations be not construed as extending to prevent the taking on board such provisions as may be necessary for the Stores only, of vessels not included in the meaning of the aforesaid descriptions: or provisions, bonâ fide laden on publick Account, for the use of the fleets and Armies of Nations engaged in the present War against Great Britain, though they should not be Armed and Manned as aforesaid. And in order the more effectually to prevent the discontinuing of the said embargo from affecting the supplies of the Army,

Resolved, That it is expedient to lay a duty of 3 per cent payable in Kind and not otherwise, on the exportation of every species of Provisions suitable for the Army and enumerated in the quotas assigned to the States respectively, to be paid into the hands of the principal Commissioner, Contractor or Purchaser in each State, or his Order, and reckoned towards the quota of such State.

That it be recommended to the several States to enact Laws, with adequate penalties, for carrying into strict and effectual execution the regulations aforesaid.[1]

The Medical Committee, to whom were referred the letters from Doctor Binney and Doctor Maus, delivered in a report:

The Medical Committee to whom was committed the letters from B. Binney and M. Maus beg leave to report—

That on the 21st day of July last a warrant issued on the Treasury in favor of Dr Jonathan Potts, Purveyor of the Hospital for 200,000

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, V, folio 15. It is indorsed by Thomson: "August 24, 1781; not to be acted upon."

dollars for procuring Hospital Stores, and paying the Physicians and Surgeons in that Department, a part only of which Warrant, owing to a deficiency of money in the Treasury, hath been received—

That on the 6th Novr last a warrant issued on the Continental Loan Officer of the State of New Jersey in favor of Thomas Bond Jr the present Purveyor for a certain sum of money for procuring supplies necessary for the hospital, no part of which the Purveyor informs the Committee he hath been able to receive. That on account of the failures in obtaining money, the sick are in a suffering condition; The Physicians unable to proceed to their respective charges, and the business of the Department greatly impeeded in every part.

That in order to procure supplies immediately wanted for the relief of the sick and to enable the Physicians to perform their duty, it is necessary to furnish the Purveyor with a sum of money. That it be referred to the Treasury to report a Warrant without delay that will insure a speedy supply.[1]

Ordered, That it be referred to the Board of Treasury, and that they report without delay, a warrant that will ensure a speedy supply of necessaries wanted for the sick and enable the physicians to perform their duty.

Ordered, That a member be added to the committee on the letter, of 23 November, from the Board of War, in the room of Mr. [George] Plater:

The member chosen, Mr. [Theodorick] Bland.

Adjourned to 10 o'Clock on Friday.

FRIDAY, DECEMBER 8, 1780

A letter, of 25 July, from Jon. Williams at Nantes was read:[2]

Ordered, That it be referred to the Board of Admiralty.

Mr. J[oseph] Montgomery, a delegate for the State of Pensylvania, attended and took his seat in Congress.

A report from the Board of Treasury was read; Whereupon,

[1] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 22, folio 31.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 217.

TREASURY OFFICE, *December 7th 1780*

The Board of Treasury having considered the letter from Mr Blair McClenachan merchant in this City of the 4th inst: beg leave to report

That it appears by the said Letter and oath of the said Blair McClenachan exhibited and filed that the following sets of Exchange drawn by the United States on their Commissioners at Paris in favor of the following persons

No 265—1 set for	60	dollars in favor of	Sarah Cheasman	dated	31 of Octr	1778
309—1 set for	120	do	Ditto	dated	Do	Do
919—1 Do for	120	do	do	do	Septr 21,	1779
767—1 Do for	12	do	do	do	do	do
796—1 Do for	24	do	John Woodhull	do	Feby 2d	1780
824—1 Do for	12	do	Sarah Cheasman		March 6,	1780
2335—1 Do for	36	do	do		do	do
	384					

and duly issued from the Continental Loan Office for the State of Pennsylvania were remitted by the said Blair McClenachan in the month of May last to St Eustatius the 1st and 2d Sets thereof in the Brigantine *Active*, and the third and fourth Sets in the ship *Aurora* both of which vessels have been captured by the enemy, and the aforesaid Bills thrown overboard by the masters of said vessels, the truth of all which the Board have no reasons to doubt, and therefore submit the following Resolution

Ordered, That the treasurer of loans sign and deliver to Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, to be by him issued to Blair McClenaghan, seven setts of exchange, amounting in the whole to 384 dollars of the number, tenor and date of those filed in the Treasury office by the said Blair McClenaghan, and supposed to be lost; each set to consist of the fifth, sixth, seventh and eighth bills, one of the eight only to be paid.

That the treasurer of loans furnish the said Blair McClenaghan with quadruplicate letters of advice, each containing a certified copy of this resolution, and that the aforesaid Blair McClenaghan enter into bond to the loan officer aforesaid on behalf of the United States, with two or more suffi-

cient freeholders as securities in double the amount of the value of the said bills, with condition to indemnify the United States against the holder or holders of any of the said bills aforesaid which are said to be lost, should any such appear.

Ordered, That a warrant issue in favour of Cornelius Comegys, a clerk in the Treasury office, on the managers of the United States lottery, for seven thousand dollars, continental currency, in part of the salary due to him, for which sum he is to be accountable.

That a warrant issue on the treasurer in favour of Theophilus Gardner, assistant in the auditor general's office for one thousand eight hundred continental dollars, in part of the salary due to him; and for which he is to be accountable.

That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, in favour of Thomas Bond, Junior, purveyor of the hospitals, on the recommendation of the Medical Committee, for fifteen thousand dollars, to be paid out of the proceeds of a bill of exchange for two hundred dollars, part of those heretofore ordered to be drawn on the honorable Benjamin Franklin, minister plenipotentiary of the United States at the Court of Versailles, at ninety days' sight, to be placed in the hands of the commissioner aforesaid, by order of the Board of Treasury, to enable the said purveyor to make provision for some sick soldiers in immediate want in the barracks in this city; for which sum the said Thomas Bond is to be accountable.[1]

TREASURY OFFICE *Decr. 2d. 1780*

The Board of Treasury beg leave to report

That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, in favour of William Kennan, copper plate printer, for fifteen

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 745.

hundred dollars, to enable him to procure sundries for the use of his press; for which sum he is to be accountable.

The Board having taken into consideration the memorial of Mr Daniel Hale of the 29th ultº requesting in lieu of the warrant granted the 28th ultº on the Treasury of the State of New York for Six hundred and forty seven thousand eight hundred and ten dollars in favor of Ephraim Blaine Esqr Commy Genl of Purchases for the discharge of the demand of the said Daniel Hale together with a similar demand of Mr John Donnald, that two seperate warrants may issue, one on the Continental Loan Officer for the State of Massachusetts Bay, and the other on the Continental Loan Officer for the State of New York, for each one half of his demand: apprehending no inconveniencies therefrom and having deposited the afsd warrant in this Office: beg leave to report,

That in lieu of the warrant granted on the 28 of last month, the two following warrants issue in favour of Ephraim Blaine, commissary general of purchases, to enable him to pay for rum ~~seized~~ procured for the use of the army; and for which sum he is to be accountable, viz

One on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts Bay, for three hundred and twenty three thousand nine hundred and five dollars of the old emissions;

And the other on Abraham Yates, commissioner of the continental loan office for the State of New York, for the like sum of three hundred and twenty three thousand nine hundred and five dollars of the like emissions.

That a warrant issue on the treasurer in favour of John Pierce, deputy paymaster general to the main army, for two hundred and sixty four dollars in specie, to be by him delivered to the Commander in Chief.[1]

A letter, of 6, from the supreme executive council of the State of Pensylvania, was read:[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 737.
[2] This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 306.

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Jesse] Root, Mr. [John] Sullivan, Mr. [Theodorick] Bland.

On motion of Mr. [John] Sullivan, seconded by Mr. [Thomas] Bee,

Resolved, That ~~an envoy extraordinary~~ a minister be appointed to proceed to the Court of Versailles for the special purpose of soliciting ~~in conjunction with our Minister Plenipotentiary at that court~~ the ~~supplies~~ aids requested by Congress, and forwarding them to America without loss of time.

Ordered, That Monday next be assigned for electing ~~an envey~~ the said minister.[1]

A report from the Board of Admiralty was read:

ADMIRALTY OFFICE *5th Decr 1780.*

The Board to whom the enclosed Petition was referred beg leave to Report

That the *West Florida,* a British Sloop of War Commanded by a Lieutenant Payne of their Navy, was Captured by the Continental Schooner Ship *Morris's* tender, under the Command of William Pickles Esqr. The said *West Florida* with her materials and sundry articles then on board pr inventory, were appraised and valued at the request of Oliver Pollock, Continental agent, and Captain Pickles, who also acted as agent for the Crew at New Orleans, to the amount of Twenty seven hundred Spanish Milled Dollars.

Mr Pollock took the Sloop at the valuation for the use of the United States, a certificate of which he has given to the Captors. The inclosed is a Copy. The *West Florida* has since been brought into this Port, and sold. The money arising from the sale, together with a considerable part of the stores, have been applied to the use of the Navy.

Captain Pickles as Agent for his Crew, has appointed Mr Joseph Pennell (Pay Master to your Navy Board) his attorney for the purpose of paying such of the Crew as may apply, their respective shares of the

[1] This resolution, in the writing of John Sullivan, is in the *Papers of the Continental Congress,* No. 36, IV, folio 523. This resolution and order were also entered in the manuscript Secret Journal, Foreign Affairs. The rest of the entry in the Journal for this day is in George Bond's writing.

twenty seven hundred Dollars, to which in the opinion of this Board they are entitled. The undersigners to the Petition, except those marked thus X have reentered into the service during the War.

Mr Pennel, attorney to Captain Pickles, has furnished the Board with the following anecdotes, viz: "There is a further sum of three hundred and fifty nine Dollars belonging to the Crew, for which they have no claim upon the public, making the whole amount of their prize money three thousand and fifty nine dollars, of which Captain Pickles has paid the officers and men, then under his Command, about fourteen hundred and seventy hard Dollars Captain Pickles was very anxious to pay his people their prize money before he went away, but had it not in his power. Captain Pickles was obliged to borrow money for his expences here which is yet unpaid. To continue the agency in the same channel it began and to secure Capt: Pickles's Property, I request the aforesaid sum of twenty seven hundred Spanish Milled Dollars, be ordered into my hands; as his attorney the distribution shall then be properly made."

Whereupon your Board submit the following Resolution.

That a warrant issue on ——— in favor of Joseph Pennell attorney for William Pickles Esquire.

For the purpose of paying the several claimants, their proportion of the value of the Sloop of War *West Florida*, and that the disposition of the said money be under the direction of the Board of Admiralty.[1]

Ordered, That it be referred to the Board of Treasury.

A petition from Lieutenant Colonel S. Bush was read.

A remonstrance from Jonathan Sturgis was read:[2]

Ordered, That the same be referred to the Board of Treasury.

Whereas the propositions moved by the Delegates from Georgia and taken into consideration on the 5th Instant do essentially affect the claims of Virginia as defined and recognized by Congress in their instructions both to their Minister Plenipo: for negotiating peace and their Minister Plenipo: to the Court of Spain, which claims the State of Virginia has expressly instructed their representatives in Congress to

[1] This report is in the *Papers of the Continental Congress*, No. 37, folio 535. The indorsement shows that it was postponed on December 21, 1780.

[2] This remonstrance, undated, is in the *Papers of the Continental Congress*, No. 43, folio 251.

insist upon; and it has been urged as a reason for agreeing to the propositions above mentioned that the change of circumstances which has taken place since these instructions were given on the part of Virginia may have changed the sense of that State with regard to the object of them. *Resolved,* that the further consideration of the said propositions, be suspended until such of the proceedings of Congress and of the communications from their ministers in Spain as relate to this matter together with the said propositions, shall have been transmitted by the Delegates from Virginia to the Legislature of that State, and their ultimate sense thereon be made known to Congress.[1]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, DECEMBER 9, 1780

Mr. [John] Witherspoon, a delegate from New Jersey, attended and took his seat.

A letter, of 25 September, from W. Carmichael was read.[2]

A petition from George Wright and others, prisoners on Long Island, was read:

Ordered, That it be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [Abraham] Clark, Mr. [Samuel] Atlee.

On motion of Mr. [Theodorick] Bland, a member of the Medical Committee,

Ordered, That the purveyor and apothecary be directed to issue medicines and refreshments necessary for the transient sick which may be, from time to time, under the care of Doctor Maus, as is done in the general hospital, he making returns of such sick in the manner directed in the hospital regulations to the director, and signing receipts for such stores as are issued to him.

Ordered, That Doctor Maus report to the commanding officer at the barracks such officers as are appointed to act

[1] This motion, in the writing of James Madison, is in the *Papers of the Continental Congress,* No. 36, I, folio 115. It is indorsed: "Motion from the delegates of Virginia, December 8, 1780: postponed."

[2] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 69.

under him as surgeon to the transient sick, in case of misdemeanor, in order that they be tried for misconduct or neglect of duty by a garrison court martial.[1]

The committee, to whom was referred the motion of the delegates of Georgia; and

The Committee to whom was referred the Motion from the Delegates of Georgia, Beg leave to report

That the several acts of the 29th of March 1779, recommending the Levy of Blacks for the defence of Georgia and South Carolina, were never received by the Legislature of the former, and consequently, could not be carried into execution by that State. That although the measure was not adopted in South Carolina at that time, the necessity of the present juncture, and the difficulty of compleating the Continental quotas of those States in the ordinary method makes it incumbent on them to employ this resource for their own and the general Interest.

Your Committee therefore submit the following Resolutions viz.

Resolved, That an officer be appointed to levy a Corps of one thousand able bodied negroes in Georgia and South Carolina, under the authority of the Executives of those States and that the said Executives be requested to give every possible support to the measure.

Resolved, That the said Corps be officered and organized under the directions of the Commanding officer in the Southern Department, who is to give every necessary assistance in procuring the said Levies.

That the officers be taken from such as may be spared from the Continental Line in the first instance and then from reduced officers, the preference being given to those of Georgia and South Carolina in proportion to the number of Levies obtained which officers are to be entitled to the same pay and Emoluments as other officers of equal rank in the Continental army.

Resolved, That the conditions offered to the Black Soldiers, be the same as expressed in the act of the 29th of March 1779, and that Congress will make provision for paying a reasonable price to the proprietors of such negroes, provided they be not adherents to the Enemy.

[1] This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, IV, folio 435.

Resolved, That the Board of War be directed as soon as possible to procure and send forward a sufficient number of arms and accoutrements together with the necessary cloathing for the said Corps.[1]

The committee, to whom were referred the letters, of November 9 and December 6, from William Palfrey, delivered in their reports, which were read.

Congress took into consideration the report on Mr. Palfrey's letters and agreed to a draught of a commission and instructions to W. Palfrey as consul of these United States in France:

> The Congress of the United States of North America to William Palfrey, Esquire, Greeting.
>
> We, reposing special trust and confidence in your abilities and integrity, do by these presents constitute you our consul in France, during our pleasure, to exercise the functions, and to enjoy all the honours, authorities, pre-eminences, privileges, exemptions, rights and emoluments to the said office appertaining.[2]
>
> And we do hereby enjoin it upon all merchants of these United States, and upon all captains, masters and commanders of ships and other vessels, armed or unarmed, sailing under our flag, as well as all others of our citizens, to acknowledge the said William Palfrey, and to obey him in his consular quality; praying and requesting our very dear great friend and ally his Most Christian Majesty, his governours and other officers whom it may concern, to permit the said William Palfrey[3] fully and peaceably to enjoy the said office, without giving or suffering to be given any molesta-

[1] This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 20, II, folio 443. It is indorsed by Thomson: "August 24, 1781, not to be acted upon."

[2] After the words "Consul in France," the committee report had these words: "with power to appoint Vice Consuls in such places there as you shall judge necessary," which are marked "postponed."

[3] The report adds: "and the Vice Consuls whom he may appoint."

tion or trouble to him, but on the contrary to afford him all countenance and assistance, offering to do the same for all those who shall be in like manner recommended to us by him.

In testimony whereof, we have caused these presents to be given in Congress, at Philadelphia, the ninth day of December, in the year of our Lord, 1780, and the fifth year of our independence.

Signed, S. H. *President.*

Attest.

C. T. *Secretary.*

INSTRUCTIONS TO WILLIAM PALFREY, ESQUIRE.

SIR,

Herewith you will receive a commission constituting you our consul in France during our pleasure.[1]

You are at liberty to fix your residence at that port which may be best adapted to the execution of the powers entrusted to you.

For, besides your proper consular functions, you are to receive and forward all supplies to be obtained in that kingdom for the use of the United States, and to assist in directing our naval affairs.[2]

You will regularly transmit to us accounts of the civil and military constitutions of the place where you reside, of its advantages for commerce with the world in general, and especially with these United States.[3]

[1] The committee report had a paragraph here: "With power to appoint vice consuls to reside in such capital ports and to have such extent of jurisdiction as you shall judge most conducive to the purposes of the appointment."

[2] The committee report had the following: ~~"You will be very careful in your appointments of vice consuls, to chuse men of undoubted attachment to the interest and honor of these United States and of suitable abilities to promote both.~~

~~"You will early transmit to us all regulations respecting those appointments which require our sanction."~~

[3] The committee report added: ~~"And you will require like accounts from the vice consuls."~~

You will give to our minister plenipotentiary in France such observations as you may from time to time make or obtain, tending to promote through him the service of your country.

You will receive from America, according as good opportunities present, funds for the discharge of your duties as our commercial agent. But at your first arrival, and in cases of absolute necessity, you are authorized to draw upon our minister plenipotentiary in France, taking care always to give him early notice of such necessities, that he may aid you from funds procured on our account, without doing injury to our other concerns.

You may also draw, under like circumstances, upon other funds which you shall know to have been procured for us in Europe.

You are hereby authorized and instructed to call for any property belonging to these United States, and now in the hands of any persons who have acted as agents for us in France, so that you may obtain a comprehensive view of our effects there, and may contrive the best modes of transmitting them to America.

You will also carefully attend to such instructions as we shall from time to time communicate to you, either directly, or through our minister plenipotentiary.

Done in Congress, the ninth day of December, in the year of our Lord, one thousand seven hundred and eighty, and in the fifth year of the independence of North America.[1]

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [Thomas] Bee,

[1] The commission and instructions to William Palfrey were entered only in the manuscript Secret Journal, Foreign Affairs. The report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 25, I, folios 295 and 299.

That all the powers, authorities and privileges conferred on William Palfrey in the commission and instructions appointing him consul in France and general agent for commercial affairs in that kingdom on the part of the United States, be suspended until he give bond with three sufficient securities in ——— for the due performance of his office of agent, and that he take an oath before the chief justice of the State of Pensylvania[1] for the due performance of the office of consul, a copy of which oath, together with the bond, to be lodged in the office of the secretary of Congress.[2]

A motion was made by Mr. [William] Sharp, seconded by Mr. [John] Sullivan, to postpone the consideration of the foregoing motion:[3]

On which the yeas and nays were required by Mr. [Theodorick] Bland,

Massachusetts Bay,		
Mr. Adams,	ay	ay
Lovell,	ay	
Rhode Island,		
Mr. Cornell,	ay	ay
Connecticut,		
Mr. Huntington,	ay	ay
Wolcott,	ay	
Root,	ay	
New York,		
Mr. Floyd,	ay	ay
New Jersey,		
Mr. Clark,	ay	ay
Witherspoon,	ay	
Pennsylvania,		
Mr. Clymer,	ay	ay
Virginia,		
Mr. Madison,	ay	div.
Bland,	no	
North Carolina,		
Mr. Sharpe,	ay	*
South Carolina,		
Mr. Mathews,	ay	div.
Bee,	no	
Georgia,		
Mr. Few,	ay	ay
Howly,	ay	

So it passed in the affirmative.

[1] From this point for the rest of this day the entries in the Journal are by George Bond.

[2] This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, IV, folio 525.

[3] These motions and the succeeding vote were also entered in the manuscript Secret Journal, Foreign Affairs.

The following gentlemen were nominated for the office of ~~envoy extraordinary~~ minister to the Court of Versailles:

Alexander Hamilton, by Mr. [John] Sullivan:

John Laurens by Mr. [Richard] Howly:

Alexander McDougal, by Mr. [Samuel] Adams:

Jonathan Trumbull, Junior, by Mr. [Oliver] Wolcott.

On motion of the delegates for Pennsylvania,

Resolved, That a committee of three be appointed to confer with a committee from the general assembly of Pensylvania on the subject mentioned in their resolution of the eighth of this month.

The members, Mr. [Samuel] Adams, Mr. [Jesse] Root and Mr. [James] Duane.

On motion of the delegate for Rhode Island,

Resolved, That Joseph Clark and Jonathan Arnold be appointed commissioners on the part of the United States, either of them to endorse the bills that shall be emitted by the State of Rhode Island, pursuant to the resolution of Congress of the 18th of March last.[1]

ADMIRALTY OFFICE *Decr. 9th. 1780.*

The Board of Admiralty beg leave to report the following State of facts.

John Young Esquire commander of the Continental Ship *Saratoga* has informed this Board that he had received verbal orders from Captain James Nicholson of the Continental Frigate *Trumbull* to take up and secure any of the crew of that Frigate, who were not regularly discharged, That in consequence of that order, and the laws of the Marine Service, he conceived himself justifiable in entering on board any private armed or Merchant Vessel in this Harbour either sailing out or into Port, and examine their papers, as well as to observe whether they may have contraband goods on board. That in consequence of those powers which he supposes cannot be disputed, he entered on board a small shallop passing by his Ship on her way down the River on the 7th Instant, and found on board said shallop five Seamen part of the late crew of the Frigate *Trumbull,* who had not been discharged, which Seamen he took out and put on board the *Saratoga.*

[1] A petition from S. Bush, dated December 8, 1780, was read on this day. It is in the *Papers of the Continental Congress,* No. 42, I, folio 222.

That this morning the high Sheriff of the County of Philadelphia arrested him at the instance of Blair M^c^Clenachan, Francis Gurney, Hugh Lenox, John Patton, James Craig, Philip Moore, Wm Bunner, John Murray, Thos Leaming, —— Fisher, Encoh Stillwell and Richard Sommers in plea of a trespass on the case &c.

That he Captain Young is informed that a writ of *Habeas Corpus* has issued to remove the said five Seamen from on board the said Ship *Saratoga*. That the Penalty mentioned in the Sheriff's Bail is five hundred thousand pounds, which he thinks is excessive and unreasonable Security, that he has applied to sundry of his acquaintance, who are generally merchants in this City, who refuse becoming his security, and therefore expects he has no other alternative, but to go to Goal, which treatment for acting in what he conceives to be his duty, would be cruel, and he claims protection and justice from this Board.

The Board on the foregoing State of facts begs leave to report as their opinion, that Capt. Young ought to be supported by Congress against such litigious suits; and that he may not be thereby delayed from executing the orders of this Board which he has received for proceeding immediately to Sea to cruise against the Common Enemy.[1]

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 11, 1780

Mr. W[illiam] Burnet, a delegate for New Jersey, attended and took his seat in Congress.

A letter from J. Gibson, commissioner of the Board of Treasury, was read:

Ordered, That it be referred to the Board of Treasury to take order.

A letter, of 7, from A. Lee was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Theodorick] Bland, Mr. [John] Witherspoon, Mr. [James] Duane.

A letter, of this day, from Colonel Armand was read, with sundry papers enclosed:

[1] This report is in the *Papers of the Continental Congress*, No. 37, folio 543, and indorsed: "August 24, 1781, not to be acted upon."

Ordered, That the same be referred to the Board of War.

A letter, of 20 [November], from the president of New Hampshire to Mr. [John] Sullivan was laid before Congress and read:[1]

Ordered, That it be referred to a committee of three:

The members, Mr. [James] Madison, Mr. [Thomas] Bee, Mr. [John] Sullivan.

A motion was made by Mr. [John] Witherspoon, seconded by Mr. ~~Clark~~ [William] Burnet, to reconsider the resolution for appointing ~~an envoy extraordinary~~ a minister;[2] and on the question, the yeas and nays being required by Mr. [James] Duane,

New Hampshire,		
Mr. Sullivan,	no	no
Massachusetts,		
Mr. S. Adams,	ay	ay
Lovell,	ay	
Ward,	ay	
Rhode Island,		
Mr. Cornell,	no	no
Connecticut,		
Mr. Huntington,	ay	ay
Wolcott,	ay	
Root,	ay	
New York,		
Mr. Duane,	no	no
Floyd,	no	
New Jersey,		
Mr. Witherspoon,	ay	ay
Clark,	ay	
Burnet,	ay	
Pennsylvania,		
Mr. Montgomery,	ay	div.
Atlee,	no	
Maryland,		
Mr. Hanson,	ay	*
Virginia,		
Mr. Madison,	ay	div.
Bland,	no	
North Carolina,		
Mr. Jones,	no	no
Sharp,	no	
South Carolina,		
Mr. Mathews,	no	no
Bee,	no	
Motte,	no	
Georgia,		
Mr. Walton,	no	no
Few,	no	
Howly,	no	

So it passed in the negative.

[1] Gibson's letter is in the *Papers of the Continental Congress,* No. 78, X, folio 281; Armand's is in No. 164, folio 438. The New Hampshire letter is in No. 64, folio 152; another New Hampshire letter of the same date, read the same day, is on folio 144. Lee's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 182.

[2] Thomson's marginal note: "See 21."

Congress proceeded to the election of ~~an envoy extraordinary~~ a minister[1] agreeably to the order of the 8th, and the ballots being taken, Colonel John Laurens was unanimously elected.

Resolved, That a committee of three be appointed to prepare a draught of a commission and instructions to Colonel Laurens.[2]

The members, Mr. [John] Sullivan, Mr. [James] Madison and Mr. [John] Mathews.

Congress resumed the consideration of the report on Mr. Palfrey's letters; Whereupon,

Ordered, That the balance of Mr. Palfrey's account as it shall be settled by the Board of Treasury be paid to him out of the bills ordered to be drawn on the Minister Plenipotentiary at the Court of Versailles.

A letter, of 17 October, from Jonathan Williams at Nantes was read.[3]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, DECEMBER 12, 1780

A letter from the Board of War was read:

Ordered, That it be referred to the Committee of Commerce.

A letter from William Bradford, president of a convention of committees from the states of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut and New York, with the proceedings of the said convention was read:

Ordered, That the same be referred to a committee of five:

The members, Mr. [John] Mathews, Mr. [Jesse] Root, Mr. [Joseph] Montgomery, Mr. [John] Witherspoon, Mr. [James] Madison.

[1] Thomson's marginal note: "See 21."

[2] This vote and resolution were also entered in the manuscript Secret Journal, Foreign Affairs.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 267.

A letter, of 27 November, from the governor of Connecticut was read:

A letter from J. Pierce was read:[1]

Ordered, That it be referred to the committee appointed on the 28 November to state the balances due from the states, &c.

Congress took into consideration the report of the Committee on the Post Office; Whereupon,

Resolved, That the salary of the surveyor of the post office be ~~three hundred and twenty dollars~~ five hundred and eighty six dollars and two thirds of a dollar per annum, and four dollars per day for his travelling expenses while on journies; and that the said yearly pay have retrospect to the first day of September, 1777:

That the depreciation of money, as settled on the 28 day of June last, be made good, on the pay of the post riders, from the time the same was originally fixed, and that for the future, their pay be double the sum they received before the present war:

That the rates on postage of letters be fixed at half the rates paid at the commencement of the present war:

That for the future, the above allowance and rates be paid in specie, or money emitted in pursuance of the resolution of the 18 March last, or other money equivalent:

That the post riders to the eastward, during their necessary stay at Fishkill, have their horses kept in the public stables, and that a reasonable deduction be made from their pay for the forage they shall be supplied with.

Ordered, That the postmaster general lay before the Board of Treasury, as soon as may be, a state of the accounts and sums due to the post riders:

[1] Bradford's letter is in the *Papers of the Continental Congress,* No. 33, folio 417, the proceedings being on folio 391; the Connecticut letter is in No. 66, II, folio 119; Pierce's letter, dated December 11, 1780, is in No. 165, folio 571.

That the postmaster general order the post riders to travel through Connecticut, at a distance from the sea shore, in such manner as may render them secure from attempts of a like nature with that which lately happened at Stratford, in that State.[1]

A report from the Board of Treasury was read; Whereupon,

The Board further report

~~That the residue of the bills of exchange at six months sight be drawn on the Honorable John Jay Esqr, Minister Plenipotentiary of the United States at the Court of Madrid set apart for the use of the Prisoners of war by the resolution of the 21st of April last - and also~~

Ordered, That the bills of exchange, not subject to the order of the Board of War, drawn on Doctor Franklin, agreeably to a resolution of 23 day of August last, be deposited in the hands of Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for sale, under the direction of the Board of Treasury.[2]

That a warrant issue on the treasurer in favour of William Kinnan, copper plate printer to the United States, for fifteen hundred dollars, in lieu of the warrant granted by the resolution, of the 8th instant, on Thomas Smith, loan officer for the State of Pensylvania, for the like sum, to purchase colours for the use of the rolling press, and that payment be made immediately; for which sum the said W. Kinnan is to be accountable.

That on the application of Mr. R[ichard] Howly, one of the delegates for the State of Georgia, a warrant issue on the treasurer in his favour for twenty thousand dollars; for which sum the said State is to be accountable.[3]

[1] This report is in the *Papers of the Continental Congress*, No. 61, folios 483 and 487.
[2] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 741.
[3] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 757.

TREASURY OFFICE *Decr 11, 1780*

The Board of Treasury beg leave to inform Congress

That by their Report of the 10th of Febr last they recommended the Renewal of certain Bills of Exchange in favor of Blair McClenachan which have been lost at sea or captured by the enemy: which Report was afterwards withdrawn by the applicant on his gaining some intelligence that the said Bills had been carried into Bermudas, and that he was in hopes of recovering them. The Board being now informed by a letter of the 8th inst: from the said Blair McClenachan that he has taken every means in his power to obtain some information respecting them, but to no purpose, beg leave to offer their afsd Report that it may be now carried into execution.

The Board having taken into consideration a letter from George Fisher & Company of the 6th inst: and an account inclosed signed by Jonathan Trumbull Junr the Commissioner appointed to settle the accounts of the late Jos. Trumbull Commissary Genl of Purchases by which it appears that in August 1777, the balance of the said account to wit £1729.6.10 New York money equal to 4323 31/90 dollars was due to the said George Fisher & Company and is now due for Flower and Bread delivered to the army of the United States, beg leave to offer the following Resolution

Resolved, That a warrant issue on the treasurer in favor of George Fisher & Company for the sum of four thousand three hundred and twenty three dollars and 31/90 payable in money issued pursuant to the resolution of the 18 March last in discharge of an account exhibited by the said George Fisher & Co. for bread and flour delivered to Joseph Trumbull late commissary general of purchases in the year 1776 and 1777 to be charged to the account of late Commissary General Joseph Trumbull deceased.

The Board beg leave to lay before Congress a State of the Bills of Exchange now remaining in the hands of the Treasurer of Loans and of Thomas Smith Esqr (exclusive of the Bills to be drawn for the payment of interest)

By the resolution of the 23d of August there was borrowed of the Bills appropriated by the Resolution of the 21st of April 1780	71.340
Struck under the resolution of the 23d Augt last	150.000
On hand to be disposed of	221.340

Paid to the Board of War by the resolution of the 25th of Septr, 2/3ds of 150.000 dolls, nearly		99.926	
Paid £4000 Sterlg, by resolution of 22d Septr last		17.800	
Paid the Hon: Ralph Izard by Resol 23 Novr		10.424	
		128.150	
Now in the hands of Thos Smith to sell for specie of the Spanish Bills	12.270		
Bills on France to replace	71.340		
do Residue of the 150.000 by the Resol of the 23d of Augt	9.580	93.190	
			221.340
So that there now remains in the hands of the Treasurer of Loans and of Thos Smith of the 90 Days Bills		75.800	
Of the Bills on Spain		17.390	
			93.190 [1]

TREASURY OFFICE *Febry 10th 1780*

The Board beg leave to report the following resolution.

Whereas it appears by the certificate of Thos Smith Esq. commissioner of the Continental Loan Office for the State of Pennsylvania, that he issued sundry bills of exchange for the payment of interest drawn by Francis Hopkinson Esq. Treasurer of Loans on the commissioner of the United States at Paris; in favor of Blair McClenachan of the City of Philads Merchant dated the 10th of June 1779 to the amount of three thousand six hundred and seventy eight dollars in the following numbers Viz. No 118, 119, 120, 121, 124, 125 for six hundred dollars each No 594 for sixty dollars and No 729 for eighteen dollars.

And whereas it appears by the deposition of the said Blair McClenachan, that the said Bills were indorsed by him, and made payable to the order of Aull & Morson, of the Island of St Eustatia delivered to Joseph Erwin, Clerk to the said Blair [McClenachan] with directions to enclose them in a packet and send them forward, And whereas it further appears from the deposition of the said Joseph Erwin that he did enclose and deliver in a packet directed to Aull & Morson the specific bills mentioned in the aforesaid deposition of Blair McClenachan to John Burrows late Master of the Sloop *Tryall.*

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 753.

And it appearing also by the deposition of the said John Burrows that he "received some time in June 1779 a Packet from Joseph Erwin directed to Aull & Morson of the Island of St Eustatia, the contents of which were unknown to him but said to contain sundry sets of bills of Exchange; that in the course of his passage he was captured by one of the Enemies Privateers previous to which he threw over board into the Sea a number of his letters and never afterwards having seen or heard of the Packet above alluded to he supposes it to have been among the number" tho' of this, the deponent could not be certain. For renewing of the said bills to the said Blair McClenachan without injury to these United States;

Ordered, That the treasurer of loans sign and deliver to Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, to be by him issued to Blair McClenaghan, eight setts of exchange, viz. No. 118, 119, 120, 121, 124, 125, for six hundred dollars each; No. 594 for 60 dollars and No. 729 for eighteen dollars, amounting in the whole to three thousand six hundred and seventy-eight dollars, or eighteen thousand three hundred and ninety livres tournois, of the same tenor and date of those filed in the treasury office by the said Blair McClenaghan, excepting[1] that each set is to consist of the 5, 6, 7, and 8th bills and to specify in the body of each bill that one only is to be paid; provided, nevertheless, that the said Blair McClenaghan shall previous to the issuing of the said bills give to the treasurer of loans a bond in the penalty of sixty thousand dollars, with sufficient sureties payable to the President of Congress, or his successor in office, for the benefit of the United States, for indemnifying the public or any person or persons who may be interested therein, from the payment of any of the original bills of exchange aforesaid.

That the treasurer of loans furnish the said Blair McClennachan with quadruplicate letters of advice, each containing an

[1] From this point the entries are by George Bond.

attested copy of the preceding resolve, to the commissioner or commissioners of the United States at Paris.[1]

~~The committee to whom was referred~~ Congress took into consideration the report of the committee on the letter, of June 26th, from the honorable J. Adams ~~delivered in a report~~; Whereupon,

Ordered, That the said letter be referred to the Committee of Foreign Affairs, and that they be instructed to inform Mr. Adams of the satisfaction which Congress receives from his industrious attention to the interests and honor of these United States abroad, especially in the transactions communicated to them by that letter.

The committee to whom was referred the letter from the Board of War, of 28th November, delivered in a report; Whereupon,

The Committee to whom was referred the letter from the Board of War of the 28 Novr 1780, beg leave to report.

That in their opinion the causes of the distress under which the Garrison of Wyoming now labors, and has for some time past, originate from a jealousy subsisting between the States of Connecticut and Pennsylvania on account of a territorial claim. They find however that the Post of Wyoming was originally established by Congress as a necessary means for the defence of a frontier and for the purpose of protecting the inhabitants of that Quarter from the encroachments of the savages. That ever since its establishment it has been under the direction of Congress, the Board of War, or the Commander in Chief, has been garrisoned by Continental Officers and Soldiers and supplied with provisions from the Continental Stores. They do not therefore think it advisable that this post should be discontinued by Congress, until they are informed by the Commander in Chief, that it is unnecessary for the general defence. But your Committee are of opinion that it is becoming the wisdom of Congress, at the same time that they carefully guard the Citizens of these States against the attacks of the common enemy, to remove as far as is in their power every cause of Jealousy or discontent between States, which might endanger the harmony of the general union.

[1] This report is in the *Papers of the Continental Congress*, No. 136, V, folio 99.

Resolved, That the Commander in Chief be directed ~~to report to Congress his opinion of the expediency of continuing the post and garrison of Wyoming, and how far that post may be considered as contributing to the general defence of the frontier of one or more of these states.~~

~~*Resolved* that should it be the opinion of the Commander in Chief that the said post is necessary for the defence of the frontier against the encroachments of the enemy that the officers and men composing~~ if he shall judge the post at Wyoming necessary, to relieve the garrison there as soon as may be, by troops from the continental army, not belonging to the lines of Pensylvania or Connecticut, or citizens of either of the said states; and that the present and future garrison continue to be supplied by the commissary general from the magazines of the continent, by purchase, or out of the quota of provisions raised by any State for the use of the continent.

Resolved, That the State of Pensylvania be informed of the steps Congress have taken to remove every subject of jealousy or discontent, and that they be requested to order the supplies which were stopped by Lieutenant Hunter, on their progress to Wyoming, to be immediately forwarded to that garrison, to relieve its present urgent distresses.[1]

The committee, to whom was referred the letter, of 30th November, from the president and supreme executive council of Pensylvania, delivered in a report; Whereupon,

The Committee to whom was referred the letter from the President and Executive Council of the State of Pennsylvania to their Delegates respecting Captain Harding's impressing seamen, Report,

That they have conferred with the President of the Council on the subject, Who informs that, having received repeated complaints against Capt. Harding for impressing men, they thought it their duty to lay the matter before Congress not with a view to hinder Captain

[1] This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 27, folio 115.

Harding from pursuing his voyage, but that proper measures may be taken to prevent such practices in future.

Ordered, That the said letter be referred to the Board of Admiralty to take order thereon.[1]

A duplicate of the letter, of 26 June, from the honble J. Adams was read, with some papers not enclosed in his former.[2]

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 13, 1780

A letter, of 6, from Doctor Bloomfield and Doctor Scott, two hospital physicians, was read, enclosing their commissions, and desiring that their resignations be accepted.[3]

Ordered, That their resignations be accepted.

The committee, to whom was referred the letter, of 6th, from the supreme executive council of Pensylvania, delivered in a report, which was read; and after debate,

Ordered, That it be re-committed.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of John Levinus Clarkson, clerk to the Board of Treasury, for ten thousand dollars for the contingent expences of the treasury, for which sum he is to be accountable.[4]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, DECEMBER 14, 1780

A petition of Edward West, and

A letter, of 12, from J. Milligan, were read.

A letter, of this day, from Resolve Smith was read:

[1] Here Charles Thomson resumes the entries. This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 19, III, folio 41.

[2] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 818.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 53.

[4] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 751.

Ordered, That it be referred to the Board of Treasury to report.

A memorial from Mr. E[zekiel] Cornell was read:

Ordered, That it be referred to the Board of Treasury, together with the accounts of the memorialist, to take order.

A letter, of this day, from the Board of War was read:[1]

Ordered, That it be referred back to the Board to take order.

A report from the Board of War was read; Whereupon,

Ordered, That Captain Job Sumner be informed, in answer to his memorial of the 17th of last month, that Congress, in their resolution of the 7th of April, 1779, meant to give him the rank of a captain in the army at large, from the 1st day of July, 1776, in confirmation of the appointment made by General Schuyler; but that no alteration was intended to be made in the line of the State to which he belonged, in which he should take his promotion, as if he had not left his regiment, and entered on board the armed vessels.[2]

Mr. [John] Sullivan laid before Congress a letter, of October 30th, from John Sprague, and one of October 3, from General James Reed, which were read:[3]

Ordered, That they be referred to the Board of War.

A report from the Board of Treasury was read; Whereupon,

The Board having considered the letter of the tenth of Novr last from John Lawrence Esqr Commiss^r of the Continental Loan Office in the State of Connecticut, referred to them by Congress on the 24th report

Ordered, That the resignation of John Lawrence, commissioner of the continental loan office for the State of Connecticut, be accepted.

[1] West's petition, dated December 13, 1780, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 215; Milligan's letter is in No. 78, XVI, folio 105; Smith's letter is in No. 78, XX, folio 643; the Board of War's letter is in No. 148, I, folio 241.

[2] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 725.

[3] Reed's letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 327.

Resolved, That it be, and hereby is recommended to the State of Connecticut, to appoint a commissioner to superintend the loan office in that State, in the room of Mr. John Lawrence, resigned.[1]

Ordered, That on the application of Richard Philips, steward to the President of Congress, a warrant issue on the treasurer in his favour, for fifteen thousand dollars, for the use of the President's household; for which sum the said steward is to be accountable.

That on the application of Thomas Edison, one of the clerks in the office of the secretary to Congress, a warrant issue on the treasurer in his favour, for eight thousand dollars, part of the salary due to him; and for which he is to be accountable.

That on the application of Nathan Jones, one of the clerks in the war office, a warrant issue on the treasurer in his favor, for one hundred and eighty dollars, in bills of credit emitted in pursuance of the act of Congress, of the 18th of March last, part of the balance of salary due to him; and for which sum he is to be accountable.[2]

TREASURY OFFICE
December 14th 1780.

The Board of Treasury represent to Congress that in compliance with their resolution of the 15th November last the accounts of William Palfrey late paymaster General were referred by the Auditor General to the Chambers for liquidation.

That this day the said accounts were reported upon to this Board by the Auditor General.

That Mr Palfrey considers himself no otherwise accountable for the sundry advances of money made to him as pay master General than to produce proper documents receipts and vouchers to justify the entries to be made in the Treasury books against the several Depy pay masters and Officers to whom he has advanced money, and that in the settlement of his cash account he shall receive a credit for

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 741.
[2] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 759.

such monies as stand charged to such Officers and Deputies as aforesaid, so justified by receipts and vouchers as aforesaid.

The Board therefore submit the following Resolution.

Resolved, That the Board of Treasury be, and hereby are, enabled to make a final settlement with William Palfrey, late paymaster general, upon the principles of their report of this day, and upon such final settlement, to grant the said William Palfrey a quietus, under the seal of the Board of Treasury.[1]

On motion of Mr. [John] Sullivan, seconded by Mr. [Samuel] Adams,

Ordered, That the memorial and other papers of Colonel Loring be referred to the Commander in Chief.

The committee, to whom was referred the memorial of Sir James Jay, delivered in a report; Whereupon,

The Com^te^ to whom was referred the letter of Sir James Jay of the 4th of Sep^t^ last beg leave to lay before Congress the following state of facts.

That on the 16th day of July 1778 Sir James Jay advanced 20,000 Dollars to Otis & Andrews Continental Cloathiers in Boston for public use taking their draught for that sum upon James Mease Esqr Cloathier General residing in Philadelphia payable at five days sight. That upon tender of said draughts the same became payable on the ninth day of August following at which time the Cloathier General appears not to have been in Cash for discharging the same. That upon application to the Treasury Board a Warrant was reported and granted to said James Mease for the 20,000 Dollars dated August 18, 1778, to enable him as therein set forth to answer the above mentioned draughts in favor of Sir James. That said Warrant being endorsed and delivered to Sir James he on the 8th day of Octr 1779, disposed of the same for the sum therein mentioned; which Warrant was soon after discharged by the Treasurer. That the depreciation on the said 20,000 Dollars between the time the draught became payable and granting the Warrant was equal to 219$\frac{65}{90}$ dollars in specie, and between the time the said draught became payable and

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 763.

the time Sir James disposed of the Warrant was equal to 4586$\frac{35}{90}$ dollars in specie.

Upon which state of facts your Committee beg leave to observe that at the time Sir James advanced his money to the Cloathiers in Boston it does not appear he had any private Interest in view other than transferring that sum with safety and convenience to Philadelphia. That the Cloathiers inability to discharge the draught is alledged and probably might be attended with some disappointment and damage to Sir James over and above the depreciation. That his delay in not recovering his money sooner than he did can be imputed to no other cause than his own neglect but in as much as the United States were taking in money on Loan at the time said Warrant remained unpaid it is alledged that the money due thereon ought to be considered as a Loan and the depreciation be made good on the same. But on the other hand your Committee have not been able to discover any advantage derived to the United States from Sir James money remaining in the Treasury between the issuing and paying the warrants as the Treasury was constantly liable for the same.

Upon the whole, considering Sir James's case as somewhat singular, and his loss by depreciation great, Occasioned partly by delay in paying his first draught, your Committee are of Opinion that some allowance on that account ought to be made, Whereupon the following Resolution is submitted.

Ordered, That a warrant issue on Abraham Yates, commissioner of the continental loan office in the State of New York, in favour of Sir James Jay for four hundred dollars in bills of credit emitted pursuant to the resolution of Congress of the 18 March, in full compensation for the damage he sustained by depreciation and otherwise in the money advanced to Otis & Andrews, cloathiers in Boston on the 16 July, 1778.[1]

A letter, of 14, from the Board of War was read:[2]

Ordered, That it be referred to a committee of three:

The members, Mr. [Samuel] Adams, Mr. [James] Duane, Mr. [John] Witherspoon.

[1] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 41, IV, folio 410.

[2] This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 245.

Resolved, that the Board of Treasury lay before Congress a state of the monies issued and paid to the several departments of the Army, and report to Congress how much of the said expenditures have been accounted for from the 1st day of Jany last.[1]

Adjourned to 10 o'Clock to Morrow.

FRIDAY, DECEMBER 15, 1780

Mr. [Thomas] Burke, a delegate for the State of North Carolina, attended and took his seat.

Ordered, That the Board of Treasury, in adjusting the salary of Arthur Lee, esq. compute the same from the 15th day of December, 1776, to the 25th day of March, 1780.

A report from the Board of War, was read; Whereupon,

At a Board of War, *Decr 15, 1780*

The board having seen a letter from Genl Washington, to Col. Armand, approving of the appointment of Mons Inacice Penet to be a Cornet in his Corps, beg leave to report;

Resolved, That Mons. Inacice Penet have the rank of cornet, in the partizan corps commanded by Col. Armand, in the army of the United States.[2]

The Board of Treasury, to whom was referred the letter of John Taggart, and also the petition of sundry others, respecting a quantity of rum taken for the use of the garrison at West Point, having delivered in a report;

The Board having considered the letter of John Taggart and also the petition of sundry others, respecting a quantity of rum seized for the use of the garrison at West Point, both referred to them the 28th ult. report

That they cannot find themselves authorized to report otherwise upon the said applications than they did the 9th ult. but as some of the petitioners seem very desirous that a Special Committee should take their case under further consideration—The Board would sub-

[1] This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress,* No. 36, I, folio 115a.

[2] This report is in the *Papers of the Continental Congress,* No. 147, IV, folio 729.

mit to Congress the request of having such Committee appointed and for that purpose herewith return the papers.[1]

Ordered, That the said letter and petition, and the case of others in similar circumstances, be referred to a committee of three:

The members chosen, Mr. [Jesse] Root, Mr. [George] Clymer, Mr. [Abraham] Clark.

The Committee to whom was referred the letter from Mr Arthur Lee of the 7th of Decr 1780 Report that they have had under consideration the paragraph of the said letter relative to the importance of cultivating the friendship of the Court of Russia whereupon they submit the following resolution. *Resolved,* that an Envoy be sent (for that purpose) as soon as possible to reside at the Court of Russia.

Your Committee beg leave to sit again.[2]

Whereas, a good understanding and friendly intercourse between the subjects of her Imperial Majesty the Empress of all the Russias and these United States may be for the mutual advantage of both nations;

Resolved, That ~~an envoy~~ a minister ~~charged with the affairs of the United States~~ to reside at the Court of the Empress of Russia be appointed.

Ordered, That Monday next be assigned for electing such ~~envoy~~ minister.

Ordered, That a committee of three be appointed to prepare a commission and draught of instructions for the said ~~envoy~~ minister.[3]

The members, Mr. [James] Duane, Mr. [John] Witherspoon, Mr. [James] Madison.

The following gentlemen were nominated for the office of ~~envoy to reside~~ minister at the Court of Russia, viz.

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 741.

[2] This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress,* No. 36, I, folio 117.

[3] This preamble and resolution are also entered in the manuscript Secret Journal, Foreign Affairs.

Mr. Francis Dana, by Mr. [James] Duane;

Mr. Arthur Lee, by Mr. [Richard] Howly;

Colonel A. Hamilton, by Mr. [John] Mathews.

On motion of Mr. [James] Duane, seconded by Mr. [Samuel] Adams,

Ordered, That the Board of Treasury pay particular attention to the exigencies of the quartermaster's department as far as the circumstances of the treasury permit.

Congress took into consideration the report of the committee appointed to consider and report a plan for the department of foreign affairs; and some time being spent thereon,

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 18, 1780

A letter, of 8th, from General Washington, and

A letter, of 16th, from Brigadier General Irvine and Colonels Mathews and Ely, with sundry papers enclosed:

Ordered, That they be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [John] Mathews, Mr. [Theodorick] Bland.

A letter, of 13th, from General Washington was read:

Ordered, That it be referred to the Board of War

A letter, of 16, from R. Bache, postmaster general, was read:

Ordered, That it be referred to the Committee on the Post Office.

That two members be added to that committee:

The members, Mr. [William] Floyd, Mr. [John] Witherspoon.

A letter, of 28 November, from Abr: Yates was read.

A letter, of the 10, from Brigadier J. Stark was read:

Ordered, That it be referred to the Commander in Chief to take order.

A letter, of 2d, from P. Schuyler was read:[1]

Ordered, That it be referred to the Board of War.

A petition of George Fisher, baker, was read:[2]

Ordered, That it be referred to a committee of three:

The members, Mr. [Thomas] Burke, Mr. [William] Burnet, Mr. [Jesse] Root.

The committee appointed to prepare instructions;

The committee for regulating the finances of the United States; and

The Committee for regulating the Finances of America &c. &c beg leave to report.

That to establish the national credit furnish a proper circulating medium support the credit of the bills issued by the States in pursuance of the act of Congress passed the 18th of March last it will be necessary for the Confederation to be ratified.

The exclusive right to duties arising on certain imported articles herein after mentioned to be vested in Congress.

The old Continental Bills taken out of circulation.

The States called upon to establish funds for redemption of the new Bills.

That every reasonable encouragement be given to exportation. High duties laid upon all articles of luxury imported.

That Congress be vested with a power of laying Embargoes in time of war.

And that a loan be solicited from the Inhabitants of these States to the amount of six millions of dollars in specie to supply the deficiency of a circulating medium which has happened by some of the States being unable to call in their Quotas of the old Emissions and establishing funds to support the credit of Bills of the new Emission.

That the specie so obtained be deposited in a Bank for the purpose of effectually supporting the credit of the New Bills and redeeming such Bank notes as may be issued thereon agreeable to the plan hereafter proposed.

[1] Washington's letter of the 8th is in the *Papers of the Continental Congress*, No. 152, IX, folio 385; Irvine, Mathews and Ely's letter is in No. 78, XIII, folio 191; Washington's letter of the 13th is in No. 152, IX, folio 397; Yates's letter is in No. 78, XXIV, folio 663; Schuyler's letter is in No. 153, III, folio 551.

[2] This petition, dated December 18, 1780, is in the *Papers of the Continental Congress*, No. 42, III, folio 61.

Your Committee therefore beg leave to submit the following resolutions viz.

Resolved, That the State of Maryland be requested to accede to the Confederation on or before the last day of March next, and in case of neglect or refusal that the other twelve States be called upon to confederate independent of that State.

That it be recommended to the States respectively to pass laws establishing funds for paying the interest and redeeming the Bills emitted in consequence of the act of the 18th of March last ~~which funds are not to be altered or the laws establishing the same repealed but by advice or consent of Congress until the redemption of said Bills is compleated.~~

Postponed

~~That for enabling Congress to restrain the importation of Foreign articles of luxury; being the ballance of trade in favor of the United States, and support the credit of a paper medium.~~ It be recommended to the respective States as indispensibly necessary that they pass laws granting to Congress for the use of the United States from the first day of May next four pr cent upon the value of all goods, as well prize goods as others at the time and place of importation, duties upon all articles of Foreign growth or manufacture which may be imported into either of the States from any Foreign Port Island or Plantation after the said first day of May 1781.

Agreed

~~Madeira wine 8d per Gallon~~
~~Port Lisbon and Teneriffe wine 6d per Gallon.~~
~~Porter 6d per Gallon~~
~~Rum 6d per Gallon~~
~~Green Tea 2s. per pound~~
~~Bohea Tea 1s. per pound.~~
~~Jewellry 100 pr cent.~~
~~China 50 pr cent~~
~~Silks of all kinds for garments or ornaments 5/ per yard.~~
~~Broad cloaths above 12/ sterling price, 5/ per yard.~~
~~Narrow cloaths above 5/ Sterlg 2/ per yard.~~
~~Gilt Furniture 100 pr cent.~~
~~Mahogany furniture of all kinds 100 pr cent.~~
~~Linnens above 2/6 Sterlg. 1 shilling per yard.~~
~~Gold and silver ornaments for men and women 100 per cent.~~
~~Hats above 15/ Sterlg cost 5/~~
~~Double and Treble refined sugar 6do per lb~~

~~Gaming Tables of all kinds 100 per cent.~~
~~Carriages of all kinds 100 per cent.~~
~~Stuffs woolen and silk and silk and woolen 1/ pr yard.~~
~~Men's and women's silk hose 5/ per pair.~~
~~Silk Gloves 2/6 per pair~~
~~Silk Handkerchiefs 2/6 per pe~~
~~Gauze 3/ per yard.~~
~~Lawns and Muslins 1/ per yard~~
~~Silk velvet 5/ per yard.~~
~~Cotton do 3/ per yard.~~
~~Cambricks 5/ per yard.~~
~~Carpeting 100 per cent~~
~~Wrought marble 100 per cent~~
~~Playing cards 1/ per pack~~
~~Dice 1/ per sett.~~
~~Spices of all kinds 2/6 per lb~~
~~Tobacco pipes 6/ per groce~~
~~Cheese 1/ per pound.~~
~~6 pence per ton on all vessels of more than 20 Tons burthen.~~

Resolved, that the above duties be paid in specie at the rate of six shillings per Dollar or coined silver at six shillings and eight pence per ounce which shall be the standard of calculation throughout the United States.

Postponed

Resolved, That it be recommended to the Legislatures of the several States, to take effectual measures for calling in and cancelling their Quotas of the Bills of credit issued by Congress previous to the 18th day of March last agreeable to and by the time mentioned in the act of Congress of that date or sooner if possible in order that such Bills may have no further circulation in any State after its Quota shall be called in and cancelled. And to establish permanent and substantial funds (where it is not already done) for redemption of the new Bills, issued agreeable to the before mentioned act. And to take every possible measure for supporting the credit of the new Bills.

Postponed

And that it be further recommended to the respective Legislatures to call out of circulation as soon as shall be consistent with their public faith pledged by their acts for emitting the same all their State emissions and not to issue any more but by advice or consent of Congress that the paper bills in circulation flowing from one source may be readily ascertained.

Agreed

~~That in all debts due to or from the United States Congress will receive and pay the bills of credit emitted pursuant to the act of the 18th of March last equal with silver and gold.~~

Resolved, That it be recommended to the respective Legislatures, to pass laws impowering Congress to lay Embargoes in time of war and that when Embargoes are not laid they give all just and reasonable encouragement to exportation and use all means in their power to prevent the importation of Foreign Articles of luxury.

Postponed

That in order to procure a Loan of six millions of dollars in specie: a subscription be immediately opened in the respective States for coined and uncoined Gold, Silver and Copper to that amount which is to be received by the Treasurers of the respective States at its real value, viz. Coined Gold, silver and copper at its present current value.

Postponed

New wrought silver plate.

Old silver plate at six shillings and eight pence per ounce.

That the money, bullion and copper so received be forwarded by the respective States to the seat of Congress, where a bank is to be established and supported in which the same is to be deposited.

Postponed

That all the plate and copper so received and deposited be coined into such pieces of money as Congress may from time to time direct.

Resolved, That Congress proceed to appoint a Director and other proper officers to manage and transact the business of the Bank.

Resolved, that a share in the Bank shall be fifty dollars, and that the respective Treasurers issue no receipt for less than half a share which if made up by divers persons shall be receipted for to one of them only, who is to be accountable to the other proprietors interested.

Resolved that the respective Treasurers keep a fair register of all money and plate received, of all receipts given and of the names of the persons to whom given, and transmit the same to the Director of the Bank, who is to enter the same in the Bank Books that such persons may be known and considered as proprietors in the Bank.

Resolved, That the receipt given be in the following form viz.

Resolved, That the receipt given and entry made as aforesaid shall entitle the lender to receive his interest and one twelfth part of his principal annually if demanded, which is to be paid only to the original lender or his order unless the stock is by him transferred

by Testament, Bill of Sale, Letter of Attorney or Entry in the Books with a delivery over of the receipt which shall entitle the purchaser or legatee to have the stock transferred to him on the Books, and to receive the advantages thereof.

Resolved, that if any proprietor of the Bank, shall die intestate his interest in the Bank shall be vested in his administrator in the same manner as other personal estate.

Resolved, that as security for payment of the principal and interest of the sums lent as aforesaid the several States be and are hereby requested to pass acts: laying duties upon exports, tonnage, or upon such other articles as may be found most convenient for raising annually in specie their respective quotas of the interest and a twelfth part of the principal as aforesaid in the proportion mentioned in the annexed calculation, (Vide paper N°. 1) which sums are to be forwarded by the respective States and deposited in the Bank by the first day of September annually for the purposes aforesaid.

Resolved, That as a farther security for the punctual payment of the sums lent as aforesaid: The duties collected upon imported articles be also lodged in the Bank and appropriated to the payment of said notes so far as will make up any deficiency that may happen by the States not forwarding their respective Quotas, in due time for discharging the interest and twelfth part of the principal as aforesaid.

And that the surplus of said duties on imports be appropriated to the redemption of the Bills issued in pursuance of the Act of Congress passed the 18th day of March last.

Resolved, that upon the money so borrowed and deposited in Bank, as well as upon all public monies the property of the United States; arising from Loans, the sale of Lands or other public property the surplus of imposts or taxes Congress may strike Bank notes signed by the Director payable at the Bank in specie on demand: in different sums from one hundred dollars to one eighth of a dollar which notes are to be redeemed at the Bank on sight.

Resolved, that Congress may issue the whole or any part of the money in specie, or may issue notes on part, and reserve such part for negotiations as may from time to time appear necessary, but are in no case to draw specie from the Bank so as to leave a less sum in stock than will pay the whole of the Bank notes in circulation.

Resolved, That when stock receipts shall be lost in any case, or when Bank notes shall be lost consumed or destroyed where silver and gold would not have been liable to the same accident: upon

proper evidence thereof being given to the satisfaction of the managers of the Bank, or a major part of them: the owners shall receive other receipts or notes, of the same tenor and date.

Resolved, that the Bank notes be in the following form viz.

Whereas, The Congress of the United States have recommended to the several and respective Legislatures to pass laws for restraining the importation of Foreign articles of luxury; as the most effectual means for encouraging industry, bringing the ballance of trade in favor of the United States and increasing the national wealth—

Be it therefore enacted by ——, That from and after the first day of April 1781 there shall be raised levied collected and paid within this State for the purposes of redeeming the paper Bills of Credit issued for defraying the public expence and to remain at the disposal of Congress for the aforesaid purposes the several Rates and Duties herein after mentioned for and upon all articles of foreign growth or manufacture hereafter mentioned which may be imported into this State from any foreign port market Island or Plantation viz.

Upon Madeira wine 8^{d} per Gal
Port, Lisbon and Teneriffe wine 6^{d} per do
Porter 6^{d} per Gallon
Rum 6^{d} per Gallon
Green Tea 2/ per lb
Bohea Tea 1/ pr lb
Jewellry 100 pr cent
China 50 per cent.
Silks of all kinds for garments or ornaments 5/ p yard.
Broad Cloth above 12/ St^{g} pr yard 5/ per yard.
Narrow do above 5/ Sterling 2/ per yard
Gilt furniture of all kinds 100 pr cent.
Mahogony furniture of all sorts 100 pr cent
Linnens above 2/6 Ster^{g} 1/ per yard
Gold and silver ornaments for men and women 100 per cent.
Hats above 15/ Ster^{g} 5/
Double and Treble refined sugar 6^{d} per lb
Gaming tables of all kinds 100 per cent
Stuffs woolen and silk and silk and woollen 1/ per yard
Carriages of all kinds 100 per cent.
Men's and women's silk hose 5/ per pair.

Silk Gloves 2/6 pr pair	Carpeting 100 per cent
Silk Handkerchiefs 2/6.	Wrought marble 100 per cent
Gauze 3/ per yard	Playing cards 1/ per pack
Lawns and muslins 4/ pr yd.	Dice 1/ per sett
Silk velvet 5/ per yd.	Spices of all kinds 2/6 per lb.
Cotton do 3/ per yd.	Tobacco Pipes 6/ per groce
Cambricks 5/ per yd.	Cheese 1/ per lb.

Six pence per ton on all vessels of more than 20 Tons burthen.

The above duties to be paid in specie at the rate of 6/8^{d} pr ounce for coined silver.

And be it further enacted that the Congress of the United States may from time to time establish within this State such Custom Houses and appoint such officers to collect said duties as may appear necessary, and that every aid protection and assistance shall be given to such officers in the execution of their office.

And be it further enacted that when any of the before mentioned articles of Foreign Growth or manufacture shall be imported into any port or Haven in this State an entry thereof shall be made by the master or commander of the ship or vessel importing the same within forty eight hours after the arrival of said vessel in port and the duties paid thereon or bond given therefor before breaking bulk.

And be it further enacted by the authority aforesaid, that all articles of Foreign Growth or manufactures before enumerated which shall be shipped at any Foreign Port Island or Plantations and landed or attempted to be landed at any Port or place within this State not having been cleared out for some Port in the United States and entered at the Custom House as aforesaid the same shall be forfeited together with the vessel importing the same with all her tackle furniture and cargo for the use of the United States.

And be it further enacted by the authority aforesaid, that all articles before enumerated which shall be imported from ports for any Port or Haven in this State shall be entered at the Custom House within forty eight hours under penalty of vessel and cargo.

And be it further enacted that the secretaries and other officers of the customs appointed by Congress shall have liberty to enter and search all vessels coming into any Port in this State without molestation, and in case of resistance may apply to any justice of the Peace within said State who shall forthwith order proper assistance for

searching the vessels and securing the person making such resistance, and the Justice is hereby directed to bind such offender over to the next court of sessions who upon conviction shall sentence him to pay a fine not exceeding one thousand pounds.

And be it further enacted that all articles imported into this State for and on account of the United States shall be free from imposts, and the vessel importing the same exempted from paying tonnage provided said vessel so exempted from paying tonnage shall be principally freighted with articles for the use of the United States.

And be it further enacted that any officer of the Customs appointed by Congress in this State may sue for and recover in the name and for the use of the United States the several penalties fines and forfeitures aforesaid in any court proper to try the same.

This act to remain in force for the term of twelve years unless sooner repealed by advice or consent of Congress

Resolved, That in order to facilitate the aforesaid Loans the following address to the Inhabitants of the United States be forwarded to the respective Legislatures to be by them communicated to the people.

And that it be recommended to them to use all the influence in their power to promote and forward the same. (Vide paper N° 2.)

Resolved, That it be recommended to the several States to pass Laws in the following form viz. (Vide paper N° 3.)[1]

The committee, to whom was re-committed their report on the letter, of 6, from the supreme executive council of Pensylvania, delivered in their respective reports.

Congress took into consideration the draught of instructions to the Minister to be appointed to the Court of Russia, which being debated by paragraphs, were agreed to.

TREASURY OFFICE *Decr 18, 1780*

The Board of Treasury having considered the letter from Resolve Smith one of the Commissioners of the Chambers of accounts dated Decr 14th 1780 (referred to them by Congress) beg leave to report

That notwithstanding it may at first view appear highly reason-

[1] This report is all in the writing of John Sullivan from the first resolution. It is in the *Papers of the Continental Congress,* No. 26, folios 221–235. The enclosed papers, Nos. 1, 2, and 3, are not with the report. It is indorsed by Thomson: "Delivered December 18, 1780; read; debated December 22."

able to make payment to Mr Smith as he hath pointed out in his letter, yet in the opinion of the Board it is not only inexpedient, but highly improper at this juncture to dispose of Bills of Exchange for such purposes, for reasons that must be obvious to Congress.[1]

Passed

Adjourned to 10 o'Clock to Morrow.

TUESDAY, DECEMBER 19, 1780

Mr. James M. Varnum, a delegate for the State of Rhode Island and Providence Plantations, attended and produced his credentials in the words following:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

In General Assembly *October Session 1780*

It is Voted and Resolved That James Mitchel Varnum, Esqr a Delegate of this State, proceed, as soon as conveniently may be, to the General Congress of the United States, there to relieve Ezekiel Cornell, Esqr in representing the said State:

And that Twelve Thousand Pounds, in Bills of the Continental Money, be advanced to him out of the General Treasury, upon Account.

A true Copy.

Witness HENRY WARD *Secry*[2]

Mr. H[enry] Wynkoop, a delegate for the State of Pensylvania, attended and took his seat in Congress.

A letter, of 18 October, from the governor of North Carolina was read.

A letter, of 17, from William Nichols was read:

Ordered, That it be referred to the Board of War.

A letter, of 18, from E. Forman was read:

Ordered, That it be referred to a committee of three:

The members, Mr. [John] Witherspoon, Mr. [William] Floyd, Mr. [George] Clymer.

A letter from S. Southwick was read:

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 767.

[2] The original is in the *Papers of the Continental Congress*, Rhode Island, *Credentials of Delegates*.

Ordered, That it be referred to a committee of three:

The members, Mr. [Jesse] Root, Mr. [Isaac] Motte, Mr. [George] Clymer.

A letter, of this day, from the Board of War was read:[1]

Ordered, That it be referred to a committee of three:

The members, Mr. [John] Mathews, Mr. [Ezekiel] Cornell, Mr. [George] Walton.

Congress proceeded to the election of a minister to the Court of Russia, and the ballots being taken,

The honble Francis Dana was elected.

The Board of Admiralty, to whom was referred the representation of James Davidson and James Cannon, delivered in a report:

Ordered, That it be re-committed to the Board of Admiralty to take order.

The committee appointed to prepare a commission for the minister to the Court of Russia delivered in a draught which was read and agreed to:

COMMISSION TO THE HONOURABLE FRANCIS DANA

The United States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, in Congress assembled—To all who shall see these presents, send greeting.

Whereas her Imperial Majesty the Empress of all the Russias, attentive to the freedom of commerce and the rights of nations in her declaration to the belligerent and neutral powers, hath proposed regulations founded on principles of justice, equity and moderation, of which

[1] The letter of the governor of North Carolina is in the *Papers of the Continental Congress*, No. 72, folio 111; that of Nichols in No. 78, XVII, folio 115; that of Forman in No. 78, IX, folio 417; that of Southwick dated November 18, 1780, in No. 78, XX, folio 613; that of the Board of War in No. 148, I, folio 261.

their Most Christian and Catholick Majesties, and several of the neutral maritime powers of Europe have declared their approbation: And whereas Congress, willing to testify their regard to the rights of commerce, and their respect for the sovereign who hath proposed, and the powers who have approved the said regulations, did, by an act passed on the fifth day of October last, empower the minister plenipotentiary from these United States, if invited thereto, to accede to such regulations conformable to the spirit of the said declaration, as might be agreed on by the Congress expected to assemble in pursuance of her Imperial Majesty's invitation: And whereas it is the desire of these United States to cultivate the friendship of her Imperial Majesty, and to lay a foundation for a good understanding and friendly intercourse between the subjects of her Imperial Majesty and the citizens of these states, to the mutual advantage of both nations: KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of [the honourable Francis Dana, late a delegate in Congress from the State of Massachusetts Bay, and a member of the council of said state,] have nominated and constituted, and by these presents do nominate and constitute him the said Francis Dana to be our minister at the Court of her said Imperial Majesty, with full power in our name, and in behalf of these United States, to accede ~~as principals~~ to the convention of the said neutral and belligerent powers for protecting the freedom of commerce and the rights of nations, and to subscribe any treaty for that purpose conformable to the spirit of her said Imperial Majesty's declaration, and which shall be consistent with the dignity and sovereignty of the United States as a free and independent nation, either

with her Imperial Majesty conjunctly with the other neutral ~~or belligerent~~ powers, or if that shall be inadmissible, separately with her Imperial Majesty, ~~and~~ or any one of those powers. And he is further authorized ~~and empowered~~ in our name, and on behalf of the United States, to propose a treaty of ~~alliance and~~ amity and commerce between these United States and her said Imperial Majesty, and to confer and treat thereon with her ministers, vested with equal powers, so as the same shall be founded on principles of equality and reciprocity, and for the mutual advantage of both nations, and agreeable to the spirit of the treaties subsisting between these United States and his Most Christian Majesty; transmitting such treaty for our final ratification. And we declare in good faith that we will confirm whatsoever shall by him be transacted in the premises.

Done by the United States of America in Congress assembled, at Philadelphia. Witness his excellency Samuel Huntington, esquire, President, the nineteenth day of December, in the year of our Lord, one thousand seven hundred and eighty, and in the fifth year of our independence.

(Signed) S. H. *President.*

Attest.

CH. THOMSON, *Sec'y.*[1]

INSTRUCTIONS TO THE HONOURABLE FRANCIS DANA, ESQUIRE

SIR,

The great object of your negotiation is to engage her imperial majesty to favour and support the sovereignty and independence of these United States, and to lay a

[1] This report was entered only in the manuscript Secret Journal, Foreign Affairs. It is in the writing of James Duane, except the portion in brackets, which is in Thomson's writing, and is in the *Papers of the Continental Congress*, No. 25, I, folio 349.

foundation for a good understanding and friendly intercourse between the subjects of her Imperial Majesty and the citizens of these United States, to the mutual advantage of both nations.

You will readily perceive, that it must be a leading and capital point, if these United States shall be formally admitted as a party to the convention of the neutral maritime powers for maintaining the freedom of commerce. This regulation in which the Empress is deeply interested, and from which she had derived so much glory, will open the way for your favourable reception, which we have the greater reason to expect, as she has publickly invited the belligerent powers to accede thereto.

And you will give it an attention suitable to its importance. Your success will, however, depend on a variety of sources and contingencies; on a more perfect knowledge of the state of Europe than can be obtained at this distance; on the ultimate views of her Imperial Majesty, the temper of her cabinet, the avenues to their confidence, the dispositions of the neutral powers with whom she is connected, and the events of war. Under such circumstances, precise instructions for your conduct cannot be expected: on the contrary, the greatest room must be left for the exercise of your own penetration and assiduity in gaining proper information, and for your prudence and address in improving it to the best advantage. Your zeal for the publick interest will lead you to embrace every favourable incident and expedient, which may recommend these states to the friendship of her Imperial Majesty and her ministers. Your attachment to the honour and independence of your country will restrain you from every concession unbecoming the dignity of a free people. The diplomatick

order in which you are placed by your commission, will prevent embarrassments, which, in so delicate a case might arise from the punctilio of ceremony; while it entitles you to all the confidence and protection essential to the office of a publick minister.

For the further execution of your trust, you will conform, as far as possible, to the following instructions:

1. You shall communicate your powers and instructions to our ministers plenipotentiary, at the court of Versailles, and for negotiating peace, and avail yourself of their advice and information; and it may be prudent through them to obtain the sense of the Court of France thereon.

2. You shall communicate the general object of your mission to the minister of his Most Christian Majesty at the Court of Petersburg, and endeavour through his mediation to sound the disposition of her Imperial Majesty, or her ministers, towards these United States.

3. If the result of your inquiries should point out a fair prospect of an honourable reception, you are to announce your publick character, and deliver your letters of credence in the usual form.

4. You are to manifest on all proper occasions the high respect which Congress entertain for her Imperial Majesty; for the lustre of her character, and the liberality of her sentiments and her views; and particularly you are, in the strongest terms, to testify our approbation of the measures which her Imperial Majesty has suggested and matured for the protection of commerce against the arbitrary violations of the British Court. You will present the act of Congress herewith transmitted, declaring our assent to her imperial majesty's regulations on this subject, and use every means which can be devised to obtain the consent and influence of

that Court that these United States shall be formally invited, or admitted, to accede as principals and as an independent nation to the said convention. In that event, you are authorized to subscribe the treaty or convention for the protection of commerce in behalf of these United States, either with her Imperial Majesty conjunctly with the other neutral powers, or if that shall be inadmissible, separately with her Imperial Majesty, or any one of those powers.

5. You are to impress her Imperial Majesty and her ministers with a sense of the justice of our cause, the nature and stability of our union, and the solemn engagements by which not only the states, but his Most Christian Majesty, are reciprocally bound to maintain the sovereignty, rights and jurisdiction of each of the thirteen states inviolably; and the utter impracticability of our acceding to any treaty of peace with Great Britain, on the principles of a *uti possidetis*, or on any other terms than such as shall imply an express or tacit acknowledgment of the sovereignty of each and every part, and which shall be consistent with the letter and spirit of our treaty of alliance and friendship and commerce with his most christian majesty. You shall represent, in pointed terms, the barbarous manner in which, contrary to the laws of all civilized nations, the war has been conducted by the enemy, the difficulties which we have surmounted, and the certain prospect, under the divine blessing, of expelling our enemies, and establishing our independence on such basis as will render us useful to the whole commercial world, and happy in ourselves. You shall assure her Imperial Majesty of our ambition to number so wise and magnanimous a princess among our friends, and to assign her a distinguished place among those illustrious personages of

ancient and modern times, who have delighted in promoting the happiness of mankind, and in disarming tyranny of the power of doing mischief.

6. You shall assure her Imperial Majesty and her ministers of the sincere disposition of these United States to enter into a treaty of friendship and commerce with her on terms of the most perfect equality, reciprocity and mutual advantage, and similar to those expressed in our treaty with his Most Christian Majesty; and you are authorized to communicate with her Imperial Majesty's ministers on the form and terms of such treaty, and transmit the same to Congress for their ratification.

7. You shall communicate punctually with our respective ministers in Europe, and avail yourself of their advice and information, and of the success of their respective negotiations to raise our importance and support our interest at the Court of Petersburg.

8. You shall endeavour to acquire a perfect knowledge of the manners and etiquette of the court at which you recide, and particularly in the diplomatick line; and of the manufactures and commerce of that empire; and point out in your correspondence how far and on what conditions the two nations can be mutually beneficial to or improve each other in commerce or policy, arts or agriculture.

Lastly. And, in general, you shall pursue all such measures as shall appear to you conducive to the interests of the United States, to the faithful discharge of your important trust, and which circumstances may point out to be salutary and beneficial.[1]

[1] These instructions were entered only in the manuscript Secret Journal, Foreign Affairs. They are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 201. They are in the writing of James Duane, and are in the *Papers of the Continental Congress*, No. 25, I, folio 353.

Done in Congress, at Philadelphia, the 19th day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

A LETTER OF CREDENCE FOR MR. DANA

GREAT AND BELOVED,

The United States of North America in Congress assembled, impressed with a high sense of the wisdom and magnanimity of your imperial majesty, and willing to testify our approbation of the regulations proposed by your imperial majesty for protecting the freedom of commerce and the rights of nations, have appointed [the honourable Francis Dana, late a delegate in Congress from the State of Massachusetts Bay, and a member of the council of the said State,] to be our minister at your court, that he may give more particular assurances of the great respect which we entertain for your Imperial Majesty, and of our earnest desire to cultivate the friendship of a sovereign eminent for her justice, equity and moderation. We beseech your Imperial Majesty to give entire credit to every thing which he shall deliver on our part, especially when he shall assure you of the sincerity of our friendship. We pray God to keep your Imperial Majesty in his holy protection.

Done by the United States of North America assembled in Congress, at Philadelphia, the 19th day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

S. H. *President.*

CH. T. *Secretary.*[1]

[1] This letter, in the writing of James Duane, except that portion in brackets, which is in the writing of Thomson, is in the *Papers of the Continental Congress*, No. 25, I, folio 343. It was entered only in the manuscript Secret Journal, Foreign Affairs.

Mr. [Theodorick] Bland laid before Congress ~~an extract of~~ a letter from the governor of Virginia, dated 17 November, 1780.[1]

On motion of Mr. [James] Madison, seconded by Mr. [Theodorick] Bland,

Ordered, That so much of the said letter as respects the receiving into the continental treasury, specie, at the rate of 75 continental dollars for one of specie, be referred to the Board of Treasury, and that they be directed to have the transaction stated in their books, and in the books of the treasurer, in such manner that the State of Virginia may not be included in it.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 20, 1780 [2]

On motion of Mr. [Thomas] Bee, seconded by Mr. [John] Mathews,

Ordered, That the treasurer pay to the Board of War the balance of silver and gold in his hands, and that in the settlement of his accounts, he have credit in continental currency, according to the rate of exchange at which he received the said silver and gold.

Resolved, That the President furnish the Minister appointed to the Court of Petersburgh with letters of credit on the Minister Plenipotentiary of the United States at the Court of Versailles, for fifteen hundred pounds sterling as his salary for one year; provided the said Minister shall proceed to the Court of Petersburgh.[3]

The committee appointed to confer with a committee of the general assembly of the State of Pensylvania on the subject

[1] An extract of this letter is in the *Papers of the Continental Congress*, No. 71, I, folio 523.

[2] Thomson did not enter the day of the week, but in its place the words "In Congress."

[3] This resolution, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 36, IV, folio 519. It was also entered in the manuscript Secret Journal, Foreign Affairs.

of their quota of the new emission of paper bills of credit, presented to Congress a representation to them from the said committee of the assembly on the subject matter of the said conference, and the answer proposed to be given thereto, on which they requested the sense of Congress.

The Committee appointed by Congress to confer with a Committee of the General assembly of Pennsylvania, on the subject of the New Emission of money assigned to that State have received their State of facts, and have now the honor of laying before the said Committee the following information.

That the debt of 20,000,000 of Dollars computed to be due to the Inhabitants of Pennsylvania upon Quarter Masters and Commissaries' certificates have not been unprovided for by Congress, but arises from the unpunctuality of the respective States in complying with the requisitions of Congress. It appears from a general abstract of the Treasury Books now before this Committee, that the States are in arrear on the respective Requisitions, as far as the accounts were furnished to the 4th of Decr last, 176,955,367.$\frac{67}{90}$th Dollars, a sum sufficient to have discharged the Loan office, Quarter Masters and Commissaries Certificates, and supported the public credit in a very great degree.

That the supplies of the Inhabitants on the credit of the Certificates, extend to all the other States, as well as Pennsylvania and is the same obstacle in all to the payment of Taxes. New York and New Jersey in particular are represented to be as much in advance on those certificates as Pennsylvania; and it is also represented that their Treasuries are equally exhausted, and there can therefore be no prospect that any of them will be in a condition to supply the public exigencies if their certificates should pass in payment of the Taxes directed to be levied for the purpose of issuing and giving credit to the new Emissions. That by the abstract from the Books of the Treasury the account of Pennsylvania is thus stated

State of Pennsylvania.

Congress on the 1 July 1780 drew two warrants on the President and Supreme Executive Council in favour of Michael Hillegas Treasurer of the United States one for	1,796,950
and the other for the balance due from that state up to the 1 March 1780	4,569,040

Both the said Warrants Unpaid.			
Taxes due from 1 March 1780 to the 1 December following agreeable to the Resolution of Congress of the 18 March 1780, 9 months, the Quota being 2,300,000 Dollars per month amounting to	20, 700, 000		
from which is to be deducted a warrant drawn No^{r} 17, 1780 in favour of Commis^{y} Blaine,	268, 049$\frac{30}{90}$		
		20, 431, 950$\frac{60}{90}$	
			26, 797, 940$\frac{60}{90}$

If this is a just state it will be found that supposing the Inhabitants of Pensylvania to be creditors of the public to the amount of 20,000,000. Dollars on Certificates, there is still a large arrear due from them on their quota of the Taxes.

Congress rely on a compliance with the act of the 18th of March for the support of the war; they foresee the deepest distress if it should not be carried into effect with the utmost dispatch.

The Public Treasury is exhausted; the public debt considerable: the army unpaid for near a year, the Quarter Master's branch distressed.

Under these circumstances the Committee of the assembly of Pensylvania, will consider the objects of the Regulations proposed in their Representation and give the weight to our suggestions, which they shall appear to merit.

JAMES DUANE,
JESSE ROOT,
Committee of Congress.

To, THOMAS MIFFLIN, GERARDUS WYNKOOP, JONATHAN HOGE, and JOHN HARRIS, Esq^{rs} Committee of the General Assembly for the State of Pennsylvania

PHILADELPHIA DEC^{R} 17 1780.[1]

The representation and answer being read,

Resolved, That Congress approve the answer of the committee.

A report from the Board of Treasury was read; Whereupon,

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 20, II, folio 93. The representation of the committee appointed by the General Assembly of Pennsylvania is in No. 69, II, folio 320.

TREASURY OFFICE, *December 20, 1780.*

The Board of Treasury represent to Congress,

That the Sheriff for the City and county of Philad[a] has this day levied execution on the Commissioners of the Board for the rent damages &c as adjudged by the Court and Jury for the house in which the Treasury was lately held.

The Board therefore submit the following resolution

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for thirteen thousand two hundred and twenty five dollars and one third of a dollar, in favour of John L. Clarkson, a clerk in the Treasury office, being the amount of rent, damages and charges due since the 11 September last from the Board of Treasury, and to enable the said J. L. Clarkson to pay and discharge the same.[1]

Congress resumed the consideration of the report on the department of foreign affairs, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, DECEMBER 21, 1780

A letter, of this day, from J. Laurens was read.[2]

On motion of Mr. [James] Duane, seconded by Mr. [Jesse] Root,

Resolved, That the resolution for appointing a minister to the Court of Versailles be re-considered so far as to alter the stile and title of the minister.[3]

A motion was then made by Mr. [James] Madison, seconded by Mr. [James] Duane, to strike out the words, "Envoy extraordinary," a division being called for. On the question shall the word "Envoy" stand, the yeas and nays being required by Mr. [John] Mathews,

[1] This report is in the *Papers of the Continental Congress,* No. 136, IV, folio 773.

[2] This letter is in the *Papers of the Continental Congress,* No. 165, folio 17.

[3] The motion of Mr. Duane and the vote and proceedings following, are also entered in the manuscript Secret Journal, Foreign Affairs.

Massachusetts Bay,		
Mr. Adams,	no	no
Lovell,	no	
Ward,	no	
Rhode Island,		
Mr. Varnum,	no	no
Connecticut,		
Mr. Huntington,	no	no
Root,	no	
Wolcott,	no	
New York,		
Mr. Duane,	no	no
Floyd,	no	
New Jersey,		
Mr. Witherspoon,	no	no
Clark,	no	
Burnet,	ay	
Pennsylvania,		
Mr. Montgomery,	no	no
Clymer,	no	
Wynkoop,	no	
Virginia,		
Mr. Madison,	no	div.
Bland,	ay	
North Carolina,		
Mr. Burke,	no	no
Sharpe,	no	
South Carolina,		
Mr. Mathews,	ay	ay
Bee,	ay	
Motte,	ay	
Georgia,		
Mr. Walton,	no	no
Few,	no	
Howly,	no	

So it passed in the negative.

On the question shall the word "extraordinary" stand, passed in the negative; and the words were accordingly struck out.

A farther amendment was moved and agreed to by striking out the words "in conjunction with our minister plenipotentiary at that court."

On the question, *Resolved,* That in lieu of the words "envoy extraordinary," the word "minister" be inserted.

And the resolution as amended is as follows:

Resolved, That a minister be appointed to proceed to the Court of Versailles for the special purpose of soliciting the aids requested by Congress, and forwarding them to America without loss of time.[1]

On motion of Mr. [James] Duane, seconded by Mr. [John] Witherspoon,

[1] This paragraph was entered only in the manuscript Secret Journal, Foreign Affairs.

Resolved, That a committee of three be appointed to take into consideration the case of the hon. Henry Laurens, made a prisoner on his passage to Europe, and said to be committed to the tower of London, on suspicion of high treason, and to report thereon: the members, Mr. [James] Duane, Mr. [John] Witherspoon, Mr. [Thomas] Burke.

On motion of Mr. [Samuel] Adams, seconded by Mr. [Thomas] Bee,

Ordered, That the President write to our ministers plenipotentiary at the Courts of Versailles and Madrid, desiring them to apply to the courts at which they respectively reside, to use means for obtaining the release and exchange of the hon. Henry Laurens.

The committee on certain bills of exchange, drawn on the President of Congress, by a person subscribing himself Baron de Wulffen, brought in a report; Whereupon,

The Committee on certain Bills of Exchange drawn on the President of Congress by Baron de Wulffen beg leave to report,

That a Bill is presented for acceptance subscribed Baron de Wulffen on the President and members of Congress dated the 3d of August last for 794 guilders and ten stivers Bank money payable to John de Neufville & Son of Amsterdam or their order and expressed to be for value received from them for the drawer's expences in Amsterdam and for embarking. That another Bill is presented drawn by the same person and in the like manner dated the 9th of August last for 100 Guilders Bank money payable to Messrs De Neufville & Son for the same purpose. That both the said Bills are endorsed by Messrs De Neufville & Son. That it appears by the annexed certificate of one of the members of the Board of War that the Person styling himself Baron Wulffen never had any commission in the service of the United States, that he produced no satisfactory credentials, but it being conceived that he was acquainted with the inferior parts of discipline he was sent to the Baron Steuben at Camp, that a judgment might be formed whether he could or could not be usefully employed; the Baron finding him unqualified for the inspectorate turned him over to Capt Vanheer of the Marechassé Corps who nominated him as a Lieutenant, and as

such he was returned to the Board of War who knowing the impropriety of the appointment refused to recommend a confirmation of it to Congress. That Baron Steuben after this transaction informed the Board that for a small sum he could enable and pursuade Wulffen to leave the Country the Board furnished him with 200 dollars or thereabouts and it was supposed he went to Europe That the said Messrs De Neufville & Son in the absence of the Honorable Mr Laurens accepted the public bills of Exchange to a considerable amount, for the honor of Congress, and in the opinion of your Committee they are entitled to a like mark of respect from Congress. That a letter ought to be written to them by the President acknowledging and thanking them for their good offices and friendly disposition, and acquainting them that de Wulffen had no authority to draw upon Congress on any account, that they have ordered the Bill to be protested, but for the honor of Messrs De Neufville & Son have directed it to be paid out of the public treasury and charged to their account and also cautioning them not to accept drafts on Congress in future unless they shall be satisfied that they are drawn by the immediate advice or authority of Congress or of one of their public ministers, and desiring that they will take the necessary measures to oblige de Wulffen to repay the money now advanced for their Honor as the endorsers, and your Committee submit the following resolutions

Resolved, That the two bills of exchange, the one dated the 3 August last, for 794 gilders and ten stivers, and the other the 9th of the same month, for 100 gilders, bank money, and signed Baron de Wulffen, both drawn on the President and members of Congress, in favour of Messrs. John de Neuville & Son, of Amsterdam, and expressed to be for value received from them for the drawer's expences, and for his embarking, and tendered to the President, be protested ~~for non acceptance~~; but that, in consideration of Messrs. de Neuville & Son having accepted of several of the bills of exchange drawn by Congress on Henry Laurens, esq. in his absence, and for the honor of Congress, the Board of Treasury be, and hereby are, directed to take up the said bills, (paying the amount thereof to the present holders,) for the honor of

Messrs. de Neuville & Son, who have endorsed them, and charge the same to their account in the treasury books, and that they inform those gentlemen of this transaction.[1]

A report from the Board of Treasury was read; Whereupon,

The Board of Treasury beg leave to report,

That the said Board be authorized to dispose of as many Bills of Exchange, to be drawn on the Honble Benjamin Franklin Esqr At Ninety Days Sight as will be sufficient to Pay the Rent of the Treasury Offices.

December 14, 1780.[2]

Resolved, That the Board of Treasury be and hereby are authorised to dispose of bills of exchange drawn on the honble. Doctor Benjamin Franklin at ninety days sight, to the amount of two hundred and fifty dollars; for which sum the said Board of Treasury is to be accountable.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, DECEMBER 22, 1780

The delegates for Virginia laid before Congress a letter, of 21, from the Board of War, stating that there are three gentlemen citizens of Virginia who were taken in arms as voluntier militia men and carried to New York, that the enemy have admitted them to their paroles, that they are now here and want money to carry them home; that there is no provision made by Congress for persons in their circumstances; Whereupon,

On motion of the delegates of Virginia,

Ordered, That the Board of ~~Treasury~~ War advance to those three gentlemen so much money as may be absolutely

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 26, folio 237. Accompanying the report was a letter from Richard Peters, for the Board of War, to James Duane, giving the facts concerning Wulffen, as they appear in the report. It is in the *Papers of the Continental Congress*, No. 26, folio 241.

[2] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 761.

necessary to enable them to proceed to Virginia, and charge the same to the said State.

A letter, of 21, from M. Ridley was read, requesting a duplicate of the safe conduct granted in pursuance of an order, of the 25 April last, which is lost:

Ordered, That a duplicate be granted.

A letter, of 20, from James Jay was read.[1]

A letter, of the 15th, from General Washington, was read;[2] Whereupon, on motion of Mr. [James] Duane, seconded by Mr. S[amuel] Adams,

Resolved, That the paragraph of the letter from the Commander in Chief, of the 15th instant, which points out the pressing necessity of effectual measures for recruiting the army to its full complement, be immediately communicated to the respective legislatures or executives; and they are earnestly ~~requested~~ required, by the most decided and vigorous exertions, not only to urge forward the levying their respective quotas of troops, without loss of time, but to furnish the supplies of provisions and money assigned for their support, with such punctuality as will put the Commander in Chief in a condition, with the co-operation of our ally, under the divine blessing, to compel the enemy to relinquish their object of subjugating these states, and secure to us an honorable and permanent peace: and Congress once more remind the states, that the public safety essentially depends on their complying, without reserve or delay, with the measures adopted for an active and decisive campaign.[3]

A memorial of William Peck was read:[4]

[1] Ridley's letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 331; that of Jay is in No. 78, XIII, folio 211.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 401.

[3] This motion, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 36, I, folio 119.

[4] This memorial, dated December 20, 1780, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 138.

Ordered, That it be referred to the Board of War.

Congress took into consideration the report of the committee for regulating the finances of the United States, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, DECEMBER 23, 1780

A letter from the Board of War; and

War Office, *Decr. 21, 1780*

Sir,

The Flag for Charlestown is ready to sail, but an unexpected embarrassment has arisen, in which if not thought too troublesome, Congress will be pleased to give their directions. The name of Sheftal Sheftal was inserted as Flag Master in the passport under an idea that this person would be obliged by a permission to act in that character, and that he would undertake to do the business merely for the sake of having an opportunity of bringing out his family from Charlestown, but he now demands the most extravagant terms and privileges, and refuses to go unless they are granted. Wherefore it is proposed to send the Flag without him, making the Sailing Master who is a confidential man also Flag Master, and setting forth in the passport that the Flag Master mentioned in Genl Clinton's pass was prevented from going the voyage. Whether this will or not be wrong is left to the determination of Congress. Should they approve of it they will please to resolve

That the Board of War be informed that Congress approve of their sending the sloop *Carolina* Packet as a flag to Charlestown under the care of John Durry who is to act both as Sailing and Flag Master.[1]

A letter from John Lansing, were read:[2]

Ordered, That they be referred to a committee of three:

The members, Mr. [James M.] Varnum, Mr. [Artemas] Ward, Mr. [John] Sullivan.

The committee appointed to prepare the draughts of a commission, letter of credence and instructions to the honble

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 737.

[2] This letter is in the *Papers of the Continental Congress*, No. 41, I, folio 333.

John Laurens, reported the same, which were read and agreed to.

COMMISSION TO COLONEL JOHN LAURENS

The United States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, in Congress assembled—To John Laurens, Esquire, Greeting.

We, reposing especial trust and confidence in your fidelity, zeal, prudence and abilities, have nominated and constituted, and by these presents do nominate and constitute you our minister, for the special purpose of proceeding to the Court of Versailles, and representing to his Most Christian Majesty the present state of our publick affairs, with the necessity and mutual advantage of his maintaining a naval superiority in the American seas; and also of soliciting from him, and forwarding to the United States, certain aids in money and stores according to an estimate herewith delivered to you, the better to enable us to prosecute the war with vigour, and co-operate with the arms of our ally with effect.

Witness his excellency Samuel Huntington, esquire, President, the 23d day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

(Signed) S. H.

Ch. T. *Sec'y.*[1]

INSTRUCTIONS TO COLONEL JOHN LAURENS

SIR,

You will herewith receive a commission appointing you our minister at the Court of Versailles; in pursuing

[1] This commission, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 25, I, folio 403.

the objects of which, you will conform to the following instructions:

Upon your arrival you will communicate fully to our minister plenipotentiary at that court the business on which you are sent, and avail yourself of his information and influence for obtaining the aids mentioned in the estimate delivered to you. Instructions to him for that purpose are herewith transmitted, which you will deliver immediately on your arrival. You will convey to his Most Christian Majesty the grateful sense Congress have of the noble and generous part he has taken with regard to the United States, and use every possible means to impress him with the urgent and critical state of our affairs at present, which induced the appointment of a special minister to solicit his effectual aid.

You will, in particular, give him full information of the present state of our military affairs, and the measures taken for providing a respectable force for the ensuing campaign. It will be proper, at the same time, to point out the causes which rendered the last campaign unsuccessful.

You are to use every effort in your power ~~to convince his most Christian Majesty of the necessity and mutual advantages~~ to enforce the necessity of maintaining a naval superiority in the American seas. ~~without which it seems impracticable to rescue from the enemy such parts of the United States as are now in their possession, and the pretexts which that possession will afford to embarrass a negotiation for peace~~ You will assure his Most Christian Majesty on our part, that if he will please to communicate to us his intentions respecting the next campaign in America, we will use every effort in our power ~~to cooperate of-~~

~~fectually with the forces which he may think proper to send~~ for an effectual co-operation. ~~You will lay before his majesty the present distressing state of our army and finances that he may be convinced of the necessity for granting the aids mentioned to enable us to prosecute the war with vigor and success.~~ You are to give his Majesty the most positive and pointed assurances of our determination to prosecute the war for the great purposes of the alliance agreeable to our engagements.

Should his Majesty grant the aids requested, and send to our assistance a naval force, you will take advantage of that conveyance for forwarding the articles furnished. If no naval armament should be ordered to America, you will endeavour to obtain some vessels of force to transport the said articles, or take advantage of some convoy to America which may render the transportation less hazardous. You will call upon William Palfrey, esquire, our consul in that kingdom, for such assistance as you may stand in need of for forwarding any supplies which you may obtain. ~~You will obtain an exact account from our minister Plenipotentiary of the supplies which have been already furnished and the time when granted and inform yourself of the causes which have prevented or delayed their being forwarded~~ You are authorized to draw upon our minister plenipotentiary for such sums as you may from time to time stand in need of, giving him early notice thereof that he may aid you from funds procured on our account, without doing injury to our other concerns. You may also draw upon any other funds which you may know to have been procured for us in Europe.

[You will, on your arrival at the Court of Versailles, present the letter to his Most Christian Majesty which

you will herewith receive.[1] Previous to your departure from the United States, you are to confer with the Commander in Chief of the American army, the minister plenipotentiary of France, the commanders in chief of his Most Christian Majesty's fleet and army at Rhode Island, the Marquis de la Fayette, if it should not retard your voyage, upon the subject of your commission, and avail yourself of every information you may obtain from them respectively.][2] You will embrace every opportunity of informing us of the success of your negotiations, and receive and obey such instructions as you may from time to time receive from Congress.

[When the purpose of your mission shall be as fully effected as you may deem practicable, you are to return, and report your success to Congress without delay, unless you shall previously receive other orders.][3]

We pray God to further you with his goodness in the several objects hereby recommended, and that he will have you in his holy keeping.[4]

[1] This sentence offered separately, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 25, I, folio 402.

[2] This sentence, offered separately, is in the *Papers of the Continental Congress*, No. 25, I, folio 401. Also offered separately and marked "Postponed" was the following, in the writing of James Madison. It is in the *Papers of the Continental Congress*, No. 25, I, folio 402: ~~You will, before your departure, confer with the Minister Plenipotentiary of his Most Christian Majesty to the United States and with the Hon^bl Major General the Marquis de la Fayette on the general subject of your mission and avail yourself of such information and advice as may tend to facilitate its success. You will also apply to the Commander in Chief for his opinions and information respecting the state of the army and the most effectual mode of rendering the cooperation of France and the United States during the next campaign decisive against the common enemy.~~

[3] This sentence, offered separately, is in the *Papers of the Continental Congress*, No. 25, I, folio 404.

[4] This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 25, I, folio 397; the parts in brackets were inserted by Congress and were not in the committee's draft. A copy of the whole draft by George Bond, of the office of the Secretary of Congress, is on folio 389.

Done in Congress, at Philadelphia, the 23d day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

LETTERS OF CREDENCE TO COLONEL J. LAURENS.

GREAT AND BELOVED FRIEND AND ALLY,

The United States of America in Congress assembled, impressed with the magnanimity of your Majesty, and of the repeated proofs you have given of your friendly disposition towards these states, and also feeling the necessity of giving your Majesty full information of the present state of our affairs, have appointed the honourable John Laurens, esquire, a lieutenant colonel in the army of these states, to repair to your court, in quality of minister, to solicit the aids requested by us; and that he may give your Majesty more particular and further assurances of the high regard we continue to entertain for your Majesty. We beseech your Majesty to give entire credit to every thing he shall deliver on our part, especially when he shall assure you of the sincerity of our friendship.

And we pray God that he will keep your Majesty in his most holy protection.

Done at Philadelphia, the 23d day of December, in the year of our Lord, 1780, and in the 5th year of our independence. By the Congress of the United States of North America. Your good friends and allies.

(Signed) S. H. *President.*

C. T. *Sec'y.*[1]

The Board of Admiralty delivered in two reports; one respecting the detention of the public cloathing, and the other respecting the *Active* packet.

[1] The commission, instructions, and letter of credence for John Laurens were entered only in the manuscript Secret Journal, Foreign Affairs. The instructions are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 205.

ADMIRALTY OFFICE *19th Decr 1780.*

The Board beg leave to inform Congress that the Brigantine *Active* Packet belonging to the United States, arrived yesterday from Boston, and that the Board propose to send her immediately to Amsterdam, with a view to the importation of Naval Stores which are much wanted. That they are possessed of a small quantity of Pearl-Ash, which they intend to send in her, and to fill up with tobacco on freight as they have not money to purchase it. That the amount of her Freight, and of the Pearl-Ash will not be sufficient to procure the several articles wanted and load the *Active* back. The Board therefore request the Honorable Congress to order that a sett of exchange be issued in favor of the Board of Admiralty for the use of the United States of America upon the Honorable John Adams, or whom else, for one thousand pounds Sterling to enable the Board to load the *Active* on her return voyage.

A Bill for £1000 Sterlg was the last summer issued by order of Congress, upon the Honorable John Jay Esqd in favor of the Honorable Henry Laurens Esqr for the purpose of procuring a cargo for the *Mercury* Packet, which was unfortunately taken on her voyage to Amsterdam.

The Board suppose that the capture of Mr Laurens has put it out of his power, to negotiate that Bill, and that if it should be negotiated it cannot be applied to answer the present purposes of the Board.[1]

The Board of War delivered in sundry reports:

One on the representation of Florat Florimont;

One on the letter, of 11, from Colonel Armand; and four respecting the business under their direction.

The committee on the petition of George Fisher;

The committee on the petition of Mr. McConnell and others;

The committee on the letter from Sol: Southwick;

The Committee to whom was referred the letter from Mr Southwick, Report

That the Commissary Gen[l] of Purchases order two hundred and fifty barrels of flour from the magazines in Connecticut furnished by that State, as a part of their Quota and in case that quantity cannot

[1] This report is in the *Papers of the Continental Congress*, No. 37, folio 451. It is indorsed: "Delivered December 23; read. August 24, 1781, not to be acted upon."

be had from thence, that the Governor and Supreme Executive of Connecticut be requested to furnish that quantity of Flour for said purpose as part of the quota required of that State

And that the other part of said letter respecting a warrant for Money &c be referred to the Board of Treasury.[1]

The Committee on the Post Office;

The Committee of Commerce, to whom was referred the letter of Baron D'Arendt;

The committee on General Lee's letters of October 3 and 8; and

The Committee to whom were referred the letters from Charles Lee Esq.

Report, that on examining the Journals of Congress they find the sum of 30,000 dollars advanced to Mr Lee on the 7th day of October 1776. Your Committee have also enquired of Mr Robt Morris for the state of the account between the United States and Mr Lee and were informed by him, that he is unacquainted with the transactions relative to this matter further than to receive from Mr Lee the money furnished him by Congress to reimburse himself for monies advanced by him to Mr Lee.

Your Committee further observe that the degree of responsibility in which Congress stand bound for the losses sustained by Mr Lee in consequence of his engaging in the service of the U. S. extend no further than to indemnify him for his losses whenever he shall make the same known to Congress, that he has not as yet done so. Therefore your Committee are of opinion Mr Lee has no just pretentions to demand of Congress money for his present support.

~~As to the part of Mr. Lee's letter requiring to be taken under the protection of Congress your Committee are of opinion it would be most advisable to pass it over in silence.~~

That Mr Lee be informed that Congress are fully persuaded of his attachment to the interest and well being of the United States of America, therefore are of opinion the illiberal insinuations complained of by him are unworthy either of his or the attention of Congress.[2]

[1] This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 19, V, folio 493. It is indorsed by Charles Thomson: "Delivered December 22, 1780. Read. August 24, 1781, not to be acted upon."

[2] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, III, folio 507.

The committee on the memorial and representation of the legislature of New Jersey, delivered in their respective reports:

The Committee to whom was referred the Memorial and representation from the Legislature of the State of New Jersey read the 24th of November last beg leave to report the following resolutions:

Resolved, that altho Congress highly approve of the zeal and attention to the public interest manifested by the Legislature of New Jersey in their attempt to fix and preserve the value of their quota of the bills of credit emitted pursuant to the act of the 18th of March last. Yet as the measures they have adopted for the purpose are fundamentally repugnant to the general tenor of those resolutions on the vigorous execution of which Congress place their chief reliance for carrying on the war, they cannot comply with the desire of the said State, that an adoption of their measures should be recommended to the other States; but on the contrary earnestly recommend it to New Jersey as well as the other States, to devise such wise and vigorous remedies as will produce the great and salutary purposes intended by the said act.[1]

That the Legislature of New Jersey be informed, that Congress have taken every measure in their power enforced by repeated and pressing remonstrances to induce the several States to be punctual in forwarding their respective quotas of supplies for the army, and it is with regret they perceive that the States in and near to the seat of war, have been subjected to the inconveniences complained of by the Legislature of New Jersey on account of the deficiencies of the States more remote. That it is the sense of Congress, that it must be attended with fatal effects to public credit, and the currency of the new bills to issue any of them before a proportionate quantity of the old is brought in to be cancelled; that these objects would be certain and unavoidable, even if the new bills should be exchanged for certificates; that Congress are very desirous that the debts contracted by those certificates for supplies furnished the Army should be discharged—that ample provision for that purpose would have been made had the respective States raised and transmitted to the public treasury the taxes from time to time required from them for the support of the war.

[1] This paragraph, in the writing of James Madison, is found also in the *Papers of the Continental Congress*, No. 41, VII, folio 64.

That Congress are willing if it shall be indispensably necessary that those certificates shall be received into the treasuries of the respective States in discharge of the Quotas of their pecuniary taxes levied by any act of Congress prior to the 18th of March, and that every practicable means will be improved to pay the remainder as soon as possible.[1]

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 20, I, folio 307. It is indorsed: "Presented 22d December, 1780; read. August 24, 1781, not to be acted upon." Another version of the report, in the writing of William Churchill Houston, in No. 41, VII, folio 61, is as follows:

Decr. 4th 1780

The Committee to whom was referred the Memorial and representation from the Legislature of the State of New Jersey, read the 24 ult report

That Congress highly approve the attention of the State of New Jersey to the general interest, manifested by the measures they have taken for establishing the value of their Quota of the Bills of Credit emitted pursuant to the Resolutions of 18 March last in a Manner so accommodated to present Circumstances as that the Publick may not be subjected to Loss from the Difference between the present value of the Continental Bills of Credit, and that current when the aforesaid Resolutions were passed.

That it be recommended to the several states who have passed Laws for issuing the said new Bills, to so alter and amend them, if found to require it, as that the Bills may pass at equal value with Specie, and at the like comparative Rate with Continental Bills of Credit in Lieu of which they are emitted: and to those states who have not yet enacted such laws, to frame them with due attention to that object.

That it be also recommended to the said states to invest some proper Person or Persons within them respectively with competent authority to fix and make known, from Time to Time, the Exchange, or comparative value between Specie or the new Bills and the Continental Bills of Credit, until the latter shall be all brought in by Taxes or otherwise to be destroyed as recommended in the aforesaid Resolutions of 18 March last.

That the several states be strictly required to be punctual in forwarding their respective Quotas of supplies for the Army, so that those in, or near to which the seat of War shall from time to time, be, may not be subjected to Inconveniences from the Inattention and failure of those who are more remote.

That the President inform the Legislature of the State of New Jersey, Congress are of the opinion it would be attended with the most fatal effects to Public Credit and the currency of the new Bills, to issue any of them before a proportionate quantity of the old are Brought in to be cancelled, that these effects would be certain and unavoidable even if the said New Bills were exchanged for Certificates, that Congress are desirous the certificates given for supplies furnished to the Army should continue to be received in Taxes, and that every practicable means will be improved to discharge the residue as soon as possible.

The following paragraph in the writing of James Duane, is in No. 41, VII, folio 63.

Resolved, That it is the sense of Congress that the Resolution of the 18 of March last ought to be carried into full effect, and that every measure for that end ought to be adopted by the respective Legislatures and to meet with support: But that Congress apprehend that the law of New Jersey recommended for their approbation altho' passed with the best intention may eventually be productive of great Inconveniences.

Ordered, That a committee of three be appointed to confer with the honble J. Laurens on the subject of his mission.

The members, Mr. [John] Mathews, Mr. [James] Madison, Mr. [James] Duane.[1]

On motion of Mr. [Joseph] Montgomery, seconded by Mr. [John] Witherspoon,

Ordered, That the continental boats at or upon the river Susquehannah in the State of Pensylvania be exposed to sale for cash, or commissaries or quartermaster's certificates, as may be most for the public advantage.

Adjourned to 10 o'Clock on Tuesday.

TUESDAY, DECEMBER 26, 1780

Ordered, That a committee of three be appointed to prepare additional instructions to the honble Doctor Franklin on the subject of Mr. J. Laurens' mission.

The members, Mr. [Thomas] Burke, Mr. [Thomas] McKean, Mr. [James] Duane.

Ordered, That a committee of five be appointed to confer with the honble the Minister of France on the subject of Mr. Laurens' mission.

The members, Mr. [John] Witherspoon, Mr. [John] Sullivan, Mr. [James] Duane, Mr. [John] Mathews, Mr. [James] Madison.

Ordered, That the Board of War prepare with all dispatch a copy of the list of supplies requested from his Most Christian Majesty to be sent by Mr. Laurens.[2]

On motion of Mr. [John] Sullivan, seconded by Mr. [Richard] Howly,

Ordered, That the President write to the executive of the State of Massachusetts Bay, requesting their assistance in manning and fitting the *Alliance* for sea without loss of time.

[1] This order was also entered in the manuscript Secret Journal, Foreign Affairs.

[2] The proceedings to this point were entered also in the manuscript Secret Journal, Foreign Affairs.

A letter, of 24 August and 20 September, from the honble. F. Dana, and sundry letters from the honble. J. Adams, were read: viz.

One of 7, one of 14, three of 15, two of 19, one of 22, and one of 23 July, one of 14 August, one of 16, and one of 19 September [and] October 11; also a series of letters between Count de Vergennes and Mr. Adams, viz.

Mr. Adams to Count de Vergennes, July 13; Count de Vergennes to Mr. Adams, July 20; Mr. Adams to Count de Vergennes, July 21; Mr. Adams to Count de Vergennes, July 27; Count de Vergennes to Mr. Adams, July 29; Mr. Adams to Count de Vergennes, July 17; Count de Vergennes to Mr. Adams, July 25; Mr. Adams' letter to the Count, July 26:

Ordered, That the three last be referred to a committee of three.

The members, Mr. [Thomas] Burke, Mr. [John] Witherspoon, Mr. [James] Duane.

A letter, of 18 August, and two of 12 September, from Mr. Dumas were read.[1]

A letter, of 7, from John Warren was read, signifying his acceptance of the office of hospital physician.

A letter, of 25 November, from John Welles and Edward Chinn was read, signifying their acceptance of the office of commissioners of an extra chamber of accounts.

[1] These letters were printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), as follows: Dana's in Vol. IV, pp. 42 and 61; Adams's of July 7, Vol. III, p. 837, July 14, p. 857; the three of July 15, pp. 858, 859; the two of July 19, pp. 867, 869; that of July 22, p. 873, of July 23, p. 877; of August 14, Vol. IV, p. 29; of Sept. 16, p. 57; of Sept. 19, p. 60; of Oct. 11, p. 88; of Adams to Vergennes July 13, Vol. III, p. 848; Vergennes to Adams July 20, p. 870; Adams to Vergennes July 21, p. 872; Adams to Vergennes July 27, Vol. IV, p. 12; Vergennes to Adams July 29, p. 16; Adams to Vergennes July 17, Vol. III, p. 861; Vergennes to Adams July 25, Vol. IV, p. 3; Adams to Vergeunes, July 26, p. 7; Dumas' letter of September 12, p. 55.

A letter, of December 6, from the president of New Hampshire; and a petition of Peter January, were read.[1]

A petition of Henry Geiger was read:[2]

Ordered, That it be referred to the Board of Treasury.

A memorial of Lee and Jones, of Boston, was read:[3]

Ordered, That it be referred to a committee of three:

The members, Mr. [William] Floyd, Mr. [Samuel] Adams, Mr. [Joseph] Montgomery.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 27, 1780

A letter, of 11 October, from the honble. J. Adams was read.[4]

A letter, of 20, from S. Atlee, and a petition of the burgesses of the borough of Lancaster, were read:[5]

Ordered, That they be referred to the Board of War to take order.

A letter, of 13, from James Willing was read:

Ordered, That it be referred to the Board of Admiralty.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. [John] Sullivan, a delegate for the State of New Hampshire, a warrant issue in his favour on Thomas Smith, commissioner of the con-

[1] Warren's letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 285; that of Welles and Chinn is in folio 279. The letter of the president of New Hampshire is in No. 64, folio 158; January's petition, dated December 6, 1780, is in No. 42, IV, folio 46.

[2] This petition, dated December 20, 1780, is in the *Papers of the Continental Congress*, No. 41, III, folio 471.

[3] This memorial, dated November 28, 1780, is in the *Papers of the Continental Congress*, No. 41, V, folio 226.

[4] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 88.

[5] Atlee's letter is in the *Papers of the Continental Congress*, No. 78, I, folio 387; the petition, dated December 19, 1780, is on folio 391.

tinental loan office for the State of Pensylvania, for twenty thousand dollars; for which the said State is to be accountable.

TREASURY OFFICE *December 27, 1780*

The Board of Treasury Report,

That Thomas Smith Esqr Commissioner of the Continental Loan Office for the State of Pennsylvania is possessed of some specie, received in consequence of the sale of the Bills of Exchange deposited in his hands, the quantity of which this Board is not informed of; but submit to Congress the following Resolution—

Resolved, That Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, be, and hereby is, authorised and directed to pay to the paymaster of the Board of War and Ordinance all the specie he is possessed of, not exceeding sixteen hundred and eighty seven dollars, and thirty ninetieths of a dollar, arising from the sale of bills of exchange on the minister of the United States in Europe, in order that the same may be transmitted by the flag now ready to sail to Charlestown, for the use of the prisoners of war there.

The Board beg leave to lay before Congress for instruction a letter just received from Thomas Smith Commissioner of the Loan Office for this State, dated this day, requesting to know whether he may receive the money of this and other States in payment of Bills of Exchange.[1]

The Board of Treasury report, that they have received a letter, of the 9th, from Edward Chinn, one of the commissioners of accounts for the northern department, informing them of the death of John Welles, the other commissioner of the extra chamber of accounts, appointed by Congress the 13th of October last, for that department; Whereupon,

TREASURY OFFICE *Decr 22^d 1780*

The Board of Treasury have before them a letter of the 9th Instant from Edward Chinn one of the Commissioners of accounts for the

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 783.

Northern department informing the Board of the death of John Wells the other Commissioner of the extra chamber of accounts appointed by Congress the 13th of October last for that Department, and as the Board are of opinion the vacancy should be filled up immediately in order that the necessary business in which the Chamber aforesaid was engaged should be prosecuted, and as Mr Gansevoort of the State of New York has been strongly recommended to fill that vacancy, the following Reso. is submitted—

Resolved, That Mr Leonard Gansevoort be and he is hereby appointed one of the Commissioners of the Extra Chamber of accounts for the Northern Department in the room of John Wells deceased, subject to the Rules and Regulations of that Chamber as expressed in the resolution of Congress of the 13th of Octr last.[1]

Ordered, That to morrow be assigned for electing a commissioner of the extra chamber, in the room of Mr. Welles, deceased.

Mr. Leonard Gansevort was put in nomination by Mr. [William] Floyd.

On motion of Mr. [John] Sullivan, seconded by Mr. [Abraham] Clark,

Resolved, That a commissioner of the Board of War be appointed to act during the absence of Colonel Pickering and that to morrow be assigned for the election.

Mr. E[zekiel] Cornell was nominated by Mr. [John] Sullivan.

The committee appointed to prepare additional instructions to the honble. Doctor Franklin, delivered in a draught which was agreed to.

> *Resolved*, That the third article of instructions given to Dr. Franklin the 28th of November last, be added to those given to Mr. J. Laurens, as *additional instructions*.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 779.

[2] See *ante* November 28, 1780. A copy of the additional instructions to Col. J. Laurens, in the writing of George Bond, of the Secretary's Office, is in the *Papers of the Continental Congress*, No. 25, I, folio 381.

ADDITIONAL INSTRUCTIONS TO DR. FRANKLIN

SIR,

Since your last instructions, Congress have thought it expedient to send Colonel John Laurens with powers to negotiate specially the important affairs to which they more immediately relate. This gentleman, from the nature of his services and situation, has had opportunities of information which peculiarly qualify him for giving to his Most Christian Majesty a more lively idea of our circumstances, of our indispensable wants, and of the great advantages which must result to the allies from his majesty's complying with our requests.

The negotiation is besides so critically important that it was deemed highly requisite, by the mission of this special minister, to guard against the accident of your want of health, and the consequent delay in making the application.

Notwithstanding this appointment, should the duplicates of the despatches reach you before this minister's arrival, you will consider it as the desire of Congress, that you take, with all possible expedition, every step in your power for effecting the business, or at least for disposing his Most Christian Majesty and his ministers to take a favourable impression from the representation which Colonel Laurens, from his advantages of fuller information, may be better able to make. He is instructed, and it is well known to be his own disposition, to avail himself of your information and influence. And Congress ~~having a high sense of your experience, wisdom, love of your country, and the esteem entertained for you by the Court at which you reside,~~ doubt not that the success of this measure will be much promoted by the assistance he will derive from you. And they desire you to consider your attention to him, as a matter which

will be very satisfactory to Congress, and advantageous to your country.

Done by Congress, at Philadelphia, 27th day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

(Signed) SAML. HUNTINGTON, *President.*

CH. T. *Sec'y.*[1]

A report of the Board of War was read; Whereupon,

WAR OFFICE *Decr 23, 1780*

SIR,

The Board have offered to them to purchase for the use of the army as much cloth as will make fifteen hundred suits of clothes, and five hundred blankets at 3¼ for one on the sterling cost. Perhaps they may be obtained lower, but not very much under this price. They are at Philadelphia. The shocking situation of the Southern troops, and indeed of the whole army on the score of cloathing induces this representation to Congress, that if they choose to enable the Board to purchase the articles, they will be pleased to direct,

Ordered, That bills of exchange out of those already drawn on Doctor Franklin, to the amount of eighty thousand livres tournois, be put into the hands of the Board of War, for the purpose of purchasing a quantity of woolen cloth and blankets for the army.[2]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, DECEMBER 28, 1780

A letter, of 7, from Major General Greene was read, with sundry papers enclosed:[3]

[1] The additional instructions to Franklin and Laurens were entered only in the manuscript Secret Journal, Foreign Affairs. They are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 211 and 212. The report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 25, I, folio 385.

[2] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 745.

[3] This letter is in the *Papers of the Continental Congress*, No. 155, I, folio 471.

Ordered, That the letter be referred to a committee of three:

The members Mr. [Thomas] Bee, Mr. [Samuel] Adams, Mr. [Richard] Howly.

Ordered, That two members be added to the committee on the letters from Major General McDougall in the room of those who are absent.

The members Mr. [William] Few, Mr. [Jesse] Root.

At a Board of War *Decr 27, 1780*

Present, Mr Peters, Gen[l] Ward

The Board having considered the memorial of William Peck beg leave to inform Congress, That Mr Peck is entitled to the rank and to receive a commission as Major in the line of the army from his appointment as Aid de Camp to General Spencer and therefore they conceive that his case so far as relates to his depretiation is already provided for by Congress. If he belongs to the quota of any State that State will provide for him. If he belongs to the line at large and not to the quota of any State he will be returned in the list of officers of this description now preparing for Congress. His pay as D Aj[t] General he must receive by Warrant from the Paymaster General as other Officers do. But if Congress think there is any thing peculiar in his case which will make it an exception to the cases of Officers apparently in the same situation they will be pleased to resolve,

That the memorial of William Peck be referred to a special committee.[1]

Ordered, That the memorial of William Peck which was referred to the Board of War and returned, be referred to a committee of three:

The members Mr. [John] Sullivan, Mr. [James M.] Varnum, Mr. [Jesse] Root.

Resolved, That a commissioner be appointed for settling accounts in the southern army, and that to morrow be assigned for electing the same.

John S. Dart was put in nomination for that office by Mr. [Thomas] Bee.

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 795.

Resolved, That Congress approve of the appointment made by Major General Greene, of Lieutenant Colonel Carrington, to be deputy quartermaster general for the southern army.

Ordered, That Colonel Middleton's report of the action between General Sumpter and Colonel Tarleton, on the 20 of November last, and Major General Smallwood's letter of December 6, which were enclosed in Major General Greene's letter, be referred to the Committee of Intelligence.

Resolved, That the Board of Admiralty take order for fitting out the *Alliance* frigate, for the purpose of conveying the hon. J. Laurens to some port in France.[1]

The committee, to whom was referred the letter, of the 8th, from General Washington; and

The committee, to whom was referred Mr. A. Lee's letter, of 7, delivered in their reports.[2]

Congress took into consideration the report of the Board of War on the representation of Florat Florimont, submitting that a sum of money be granted to him to enable him to proceed to the West Indies.

War Office *Decr. 20, 1780*

Sir,

On conversing with Capt: Florimont on the subject of his application to Congress either to be employed in the army, or furnished with the means of proceeding to the West Indies, and from the papers he produces, it appears that his services have not been constant or very distinguished. He has been some times employed on occasional commands by different officers—but most commonly he has been in the country retired from the army as he says to perfect himself in the English language. He alledges that he has received but six months pay as Captain and one month as Lieutenant but has never had a commission from Congress. He has supported himself at his own expense as he represents and there is nothing appears to the contrary. He is now reduced in his circumstances and of course much distressed.

[1] This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

[2] See January 2, 1781.

If Congress under the above state of his case think proper to make him an allowance, they will please to resolve

That the sum of Dollars be paid to Monsr Florat de Florimont to enable him to proceed to the West Indies, Congress having no means of employing him in the Army of the United States consistent with the present arrangement thereof.[1]

The question to agree thereto passed in the negative.

War Office, *Decr. 20, 1780.*

Sir,

The Iron Masters in Pennsylvania and Jersey have completed their contracts for shot and shells, and are incessantly importuning the Board to procure the money for the Comissary General of Military Stores to enable him to pay them. They point out the distresses to which they are subjected by the failure of payment in the strongest terms, and do not forget to mention the positive assurances they received from the Board, that no public embarrassments should prevent their receiving the first payment which it was intended to give them at all events. Many of them had suffered so severely by their former contracts, that it required the individual interest of some of the members of the Board to prevail on them to undertake the execution of the present agreements, and therefore their reproaches fall on us both in our public and private characters. Thus situated it is hoped that Congress will be pleased to fall on some measures to satisfy the pressing demands of the Contractors, and thereby relieve the Board from a very disagreeable situation. The proportion of articles provided under General Knox's Estimates, bears but a small relation to the amount of it, and if the proposed enterprize should be undertaken next year it will be utterly impossible to prevail on the Iron Masters again to undertake the business if they do not receive what was so solemnly stipulated to be paid them. An account of the quantities of shot and shells cast, of the monies paid in part, and of the sum due on the first payment is enclosed for the perusal of Congress.[2]

Ordered, That a report from the Board of War relating to their contracts with iron masters be referred to the Board of Treasury.

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 741.

[2] This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 749.

FRIDAY, DECEMBER 29, 1780

Mr. S[amuel] Johnston, a delegate for North Carolina attended and took his seat.

A letter, of 22, from General Washington was read, with a copy of a letter of 15 from Governor Clinton.[1]

Ordered, That it be referred to a committee of five:

The members Mr. [William] Floyd, Mr. [Jesse] Root, Mr. [George] Clymer, Mr. [Abraham] Clark, Mr. [Samuel] Adams.

Congress proceeded to the election of an auditor of accounts for the southern army, and the ballots being taken, Mr. John S. Dart was elected.

Congress proceeded to the election of a commissioner of the extra chamber of accounts, in the room of Mr. Welles, deceased, and the ballots being taken, Mr. Leonard Gansevort was elected.

Congress proceeded to the election of a commissioner of the Board of War, to act during the absence of Colonel Pickering, and the ballots being taken, Mr. Ezekiel Cornell was elected.

Ordered, That a member of Congress be appointed to the Board of War in the room of Mr. [Ezekiel] Cornell.

The member chosen, Mr. [John] Mathews.

A letter, of 28, from the honble. J. Laurens was read, with sundry papers enclosed:[2]

Ordered, That the same be referred to the Board of War to take order.

Congress took into consideration the report of the committee on General Washington's letter, of 8th;

Whereupon,

The Committee to whom General Washington's letter of the 8th of December with its enclosures, were referred, beg leave to submit the following Resolutions, viz.

[1] This letter is in the *Papers of the Continental Congress,* No. 152, IX, folio 413.

[2] This letter is in the *Papers of the Continental Congress,* No. 165, folio 21.

Resolved, That the Commander in Chief be, and hereby is, fully authorised and empowered to agree to an exchange of prisoners with the commander in chief of the British forces, in such manner as he shall think proper, always keeping in view the former resolutions of Congress respecting the exchange of the prisoners under the capitulation of Charlestown and Fort Moultrie:

That the adjustment of the accounts between the United States and the British are to be referred to commissioners, to be settled, and that the exchange of prisoners be not delayed on that account.

Re-committed.

That it be recommended to the several States who have officers prisoners with the enemy at New York, to send to that place such of the Articles as are mentioned in the permit of the Police of that place, as shall be most convenient to said States, to be put into the Hands of our Commissary of Prisoners there, to be disposed of for the payment of the maintenance of our officers at New York and on Long Island. The amount furnished by each State to be credited to them respectively, in their accounts with the United States.[1]

Ordered, That the remainder of the report be re-committed.

Congress took into consideration the report of the committee on the letters, of the 24 and 25 September, from the honble. J. Adams; Whereupon,

Resolved, That a commission be given to the honble. John Adams similar to the one prepared on the first of November, 1779, and since given to the honble. H. Laurens, as Minister Plenipotentiary to negociate a Treaty of Amity and Commerce with the United Provinces of the low countries; and that the articles and instructions now agreed to be transmitted to him.

Ordered, That the committee who brought in the report prepare and report the draught of a letter of credence for Mr. Adams.[2]

[1] This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress,* No. 136, IV, folio 785.

[2] The foregoing resolution and order were also entered in the manuscript Secret Journal, Foreign Affairs.

THE COMMISSION TO MR. J. ADAMS

The United States of America in Congress assembled, to all who shall see these presents, send greeting.

Whereas an intercourse between the citizens of the United Provinces of the low countries and the citizens of these United States, founded on the principles of equality and reciprocity, may be of mutual advantage to both nations:

KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of the honourable John Adams, late commissioner of the United States of America at the Court of Versailles, late delegate in Congress from the State of Massachusetts Bay, and chief justice of the said State, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him the said John Adams our commissioner, giving him full power, general and special, to act in that quality, to confer, treat, agree and conclude with the person or persons vested with equal powers by the States General of the said United Provinces, of and concerning a treaty of amity and commerce; and whatever shall be so agreed and concluded for us, and in our name, to sign, and thereupon make such treaty, conventions and agreements as he shall judge conformable to the ends we have in view; hereby promising in good faith that we will accept, ratify and execute whatever shall be agreed, concluded and signed by our said minister.

In witness whereof we have caused these presents to be given in Congress, at Philadelphia, the 29th day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

(Signed) S. HUNTINGTON, *President.*

CH. THOMSON, *Sec'y.*[1]

[1] This draft is in the *Papers of the Continental Congress*, No. 25, I, folio 277.

INSTRUCTIONS TO THE HONOURABLE JOHN ADAMS

SIR,

You will herewith receive a commission, authorizing you to negotiate a treaty of amity and commerce with the United Provinces of the low countries.

You will also receive a plan, in articles, which you are to adopt in whole, or without any essential alteration, being always cautious not to admit any thing inconsistent with the treaties already concluded between the United States and France, and being particularly attentive to the ninth, tenth and seventeenth articles of our treaty of amity and commerce with France, numbered as they were finally ratified.

In settling regulations respecting contraband, you will regard not only the enumeration made in our treaty with France, but conform to such regulations as shall be agreed upon by the Congress of the northern powers, concerning which we have expressed our intentions by resolves passed the 5th of October last, and herewith transmitted.

Done at Philadelphia, this 29th day of December, in the year of our Lord, 1780, and in the 5th year of our independence. By the Congress of the United States.

(Signed) SAMUEL HUNTINGTON, *President.*

CH. THOMSON, *Sec'y.*[1]

Plan of a Treaty of Amity and Commerce between the United States of America and the United Provinces of the Low Countries.

The parties being willing to fix, in a permanent and equitable manner, the rules to be observed in the com-

[1] This report and instructions, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 19, I, folio 3. A copy of the letter, in Thomson's hand, is also in the *Papers of the Continental Congress*, No. 25, I, folio 263. The commission and instructions to Adams were entered only in the manuscript Secret Journal, Foreign Affairs.

merce they desire to establish between their respective countries, have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement, by leaving each party at liberty to make such interiour regulations respecting commerce and navigation as they shall find most convenient, and by founding the advantage of commerce on reciprocal and just rules of free intercourse. On these principles the parties, after mature deliberation, have agreed to the following articles:

ARTICLE I

There shall be a firm, inviolable and universal peace and sincere friendship between their High Mightinesses the States General of the seven United Provinces of ~~Holland~~ the low countries and the United States of North America, and the subjects and people of the said parties, and the countries, islands, cities and towns situated under their respective jurisdictions, and the people and inhabitants thereof of every degree, without exception of persons or places.

ARTICLE II

The subjects of the said states of ~~Holland~~ the low countries shall pay in the ports, havens, roads, countries, islands, cities or towns of the United States of North America, or any of them, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, whether in passing from one port in the said states to another, or in going to and from the same, from and

to any port of the world which the said nations do or shall enjoy.

ARTICLE III

The converse of article II.

ARTICLE IV

There shall be a full, perfect and entire liberty of conscience allowed to the subjects of each party, and to their families, as to matters of religion, and a full and entire liberty to worship in their own way, without any kind of molestation. Moreover, liberty shall be given to the subjects of either party, who die in the territories of the other, to be interred in convenient and decent places to be appointed for that purpose as occasion shall require; neither shall the dead bodies of those that are buried be any wise molested.

ARTICLE V

Their High Mightinesses the States of the seven United Provinces of ~~Holland~~ the low countries shall endeavour, by all the means in their power, to protect and defend all vessels and other effects belonging to the ~~subjects~~ citizens, people or inhabitants of the said United States of America, or any of them, being in their ports, havens or roads, or on the seas near to their countries, islands, cities or towns; and to recover, and cause to be restored to the right owners, their vessels and effects, as shall be taken within their jurisdiction. And their ships of war, or any convoy sailing under their authority, shall, upon all occasions, take under their protection all vessels belonging to the subjects, people or inhabitants of the said United States of America, or any of them, holding the same course, or

going the same way, and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force and violence, in the same manner as they ought to protect and defend vessels belonging to the subjects of their said High Mightinesses.

ARTICLE V

A reciprocal stipulation.

ARTICLE VI

It shall be lawful and free for merchants and others being subjects either of the said seven United Provinces of ~~Holland~~ the low countries, or of the said United States of America, by will, or any other disposition, made either during the time of sickness or at any other time before, or at the point of death, to devise or give away to such person or persons as to them shall seem good, their effects, merchandise, money, debts or goods, moveable or immoveable, which they have or ought to have at the time of their death, or at any time before, within the countries, islands, cities, towns or dominions belonging to either of the said contracting parties. Moreover, whether they die having made their wills, or intestate, their lawful heirs, executors or administrators residing in the dominions of either of the contracting parties, or coming from any other part, although they be not naturalized, and without having their right contested or impeded under pretext of any rights or prerogatives of provinces, cities or private persons, shall freely and quietly receive and take possession of all the said goods and effects whatsoever, according to the laws of each country respectively, in such manner however that the wills and right of entering upon the

inheritances of persons dying intestate must be proved, according to the law in those places where such persons may happen to die, as well by the subjects of one as of the other contracting party, any law, statute, edict, custom or ordinance ~~droit-d'aubaine~~ or right whatsoever notwithstanding.

ARTICLE VII

It shall be lawful and free for the subjects of each party to employ such advocates, attorneys, notaries, solicitors or factors as they shall think fit, to which end the said advocates, and others abovementioned, may be appointed by the ordinary judges, if it be needful, and the iudges be thereunto required.

ARTICLE VIII

Merchants, masters of ships, owners, mariners, men of all kinds, ships and vessels, and all merchandise and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized or detained in any of the countries, lands, islands, cities, towns, ports, havens, shores or dominions whatsoever of the other confederate, for publick use, warlike expeditions, or the private use of any one, by arrests, violence, or any colour thereof. Moreover, it shall be unlawful for the subjects of either party to take any thing, or to extort it by force from the subjects of the other party, without the consent of the person to whom it belongs. Which, however, is not to be understood of that seizure and detention which shall be made by the command and authority of justice, and by the ordinary methods, on account of debt or crimes, in respect whereof the proceedings must be by way of law, according to the forms of justice.

ARTICLE IX

It is further agreed and concluded, that it shall be wholly free for all merchants, commanders of ships, and other subjects of their High Mightinesses the States of the seven United Provinces of ~~Holland~~ the low countries, in all places subject to the dominion and jurisdiction of the said United States of America, to manage their own business themselves, or to employ whomsoever they please to manage it for them; nor shall they be obliged to make use of any interpreter, or broker, nor to pay any salary or fees, unless they choose to make use of them. Moreover, masters of ships shall not be obliged, in loading or unloading their ships, to make use of those workmen that may be appointed by publick authority for that purpose; but it shall be entirely free for them to load or unload their ships by themselves, or to make use of such persons in loading or unloading the same as they shall think fit, without paying any fees or salary to any other whomsoever. Neither shall they be forced to unload any sort of merchandises, either into other ships, or to receive them into their own, or to wait for their being loaded longer than they please. And all and every the ~~subjects~~ citizens, people and inhabitants of the said United States of America shall reciprocally have and enjoy the same privileges and liberties in all places whatsoever subject to the domination and jurisdiction of their High Mightinesses the States of the seven United Provinces of ~~Holland~~ the low countries.

ARTICLE X

The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage, and the

species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas, as in the ports and havens, not only her passports, but likewise certificates expressly showing that her goods are not of the number of those which have been prohibited as contraband.

ARTICLE XI

If by exhibiting the above said certificates the other party discover there are any of those sorts of goods which are prohibited and declared contraband, and consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks or any other vessel found therein, or to remove the smallest parcel of her goods, whether such ship belongs to the subjects of ~~France~~ their High Mightinesses the States of the seven United Provinces of the low countries, or the citizens or inhabitants of the said United States of America, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made. But there shall be no allowance to sell, exchange or alienate the same in any manner until after that due and lawful process shall have been had against such prohibited goods, and the court of admiralty shall, by a sentence pronounced, have confiscated the same, saving always as well the ship itself, as any other goods found therein, which ~~by this Treaty~~ are to be esteemed free; neither may they be detained on pretence of their being, as it were, infected by prohibited goods; much less shall they be confiscated as lawful prize; but if not the whole cargo, but only part thereof, shall consist of prohibited or contraband goods, and the commander of the ship shall

be ready and willing to deliver them to the captor who has discovered them, in such case, the captor having received those goods, shall forthwith discharge the ship, and not hinder her, by any means, freely to prosecute the voyage on which she was bound. But in case the contraband merchandises cannot be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port, agreeably to what is above directed.

ARTICLE XII

On the contrary, it is agreed that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, the whole, though it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandises as were put on board such ship before the declaration of war, or even after such declaration, without the knowledge of it, so that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, without the knowledge of it, shall no wise be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that, if the said merchandises be contraband, it shall not be any way lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree that the term of two months being passed after the declaration of war, their respective subjects

from whatever part of the world they come shall not plead the ignorance mentioned in this article.

ARTICLE XIII

And that more effectual care may be taken for the security of the subjects and people of either party, that they do not suffer any injury by the men of war or privateers of the other party, all the commanders of the ships of war and the armed vessels of the said states of the seven United Provinces of ~~Holland~~ the low countries, and of the said United States of America, and all their subjects and people, shall be forbid doing any injury or damage to the other side; and if they act to the contrary, they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation under the pain and obligation of their persons and goods.

ARTICLE XIV

All ships and merchandise of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

ARTICLE XV

If any ships or vessels belonging to either of the parties, their subjects or people, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons ship-

wrecked, or such as shall be in danger thereof; and letters of safe conduct shall likewise be given to them for their free and quiet passage from thence, and the return of every one of them to his own country.

ARTICLE XVI

In case the subjects or people of either party, with their shipping, whether of publick and of war, or private and of merchants be forced through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbour, to retreat and enter into any of the rivers, creeks, bays, havens, roads, ports or shores belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves at reasonable rates with victuals and all things needful for the sustenance of their persons, or reparation of their ships; and they shall no ways be detained, or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ARTICLE XVII

For the better promoting of commerce on both sides, it is agreed, that if a war should break out between the said two nations, six months after the proclamation of war shall be allowed to the merchants, in the cities and towns where they live, for selling and transporting their goods and merchandises; and if any thing be taken from them, or any injury be done to them, within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same.

ARTICLE XVIII.

No subjects of their High Mightinesses the States of the seven United Provinces of ~~Holland~~ the low countries shall apply for, or take any commission or letters of marque for arming any ship or ships, to act as privateers against the said United States of America, or any of them, or against the subjects, people or inhabitants of the said United States, or any of them, or against the property of the inhabitants of any of them, from any prince or state with which the said United States of America shall happen to be at war; nor shall any citizen, subject or inhabitant of the said United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of ~~the most Christian King~~ their said High Mightinesses, or any of them, or the property of any of them, from any prince or state with which the said ~~King~~ state shall be at war; and if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

ARTICLE XIX

The ships of the subjects and inhabitants of either of the parties coming upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall be treated agreeable to the general rules prescribed, or to be prescribed, relative to the object in question.

ARTICLE XX

The two contracting parties grant to each other the liberty of having, each in the ports of the other, consuls, vice-consuls and commissaries of their own appointing,

whose functions shall be regulated by particular agreement, whenever either party chooses to make such appointment.

ARTICLE XXI

It is agreed between the two contracting parties, that no clause, article, matter or thing herein contained, shall be taken or understood, either in present or future, contrary to the clauses, articles, covenants and stipulations in a treaty between the said United States of America and the Most Christian King, executed at Paris on the 6th day of February, 1778, or any of them, but the same shall be taken and understood consistently with, and conformably to, the said treaty.[1]

Resolved, That a committee of three be appointed to collect and cause to be published 200 correct copies of the declaration of independence, the articles of confederation and perpetual union, the alliances between these United States and his Most Christian Majesty, with the constitutions or forms of government of the several states, to be bound together in boards.

The members, Mr. [Thomas] Bee, Mr. [John] Witherspoon, Mr. [Oliver] Wolcott.[2]

The committee on the affairs of the Treasury;

The committee on the letter, of November 5, from General Washington; and

The committee on General Washington's letter of 24 November, delivered in their several reports.

Adjourned to 10 o'Clock on Monday.

[1] This "Plan of a Treaty" was entered only in the manuscript Secret Journal, Foreign Affairs. The draft, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 25, I, folio 251.

[2] This resolution, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 19, I, folio 5. It was also entered in No. 9, (History of the Confederation.)

10970—10——77

APPENDIX

EXPENDITURES FOR THE YEAR 1780

EXPENDITURES FOR THE YEAR 1780.[1]

	Dollars.
ADMIRALTY BOARD. Page 71. 223. 584. 666. 670. 1008. 1045	981, 350
And Page 645. 719, in bills of exchange £1000 sterl.	
BOARD OF WAR. Page 189. 251. 268. 324. 358. 371. 385. 419. 430. 500. 553. 558. 584. 611. 644. 666. 703. 731. 788. 817. 929. 1054. 1101. 1114. Joseph Carleton, paymaster to the board of war, &c. accountable:	6, 945, 364
And in bills of the new emission, Page 731. 845. 50,000 dollars.	
CLOATHIER GENERAL. Page 209. 370. 429. 436. 474. 988. J. Wilkinson, esq; accountable:	580, 000
COMMERCIAL COMMITTEE. Page 912.	150, 000
And Page 445. 389, 14,511 dollars specie, and £62:10 sterl.	
COMMISSARY GENERAL OF MILITARY STORES DEPARTMENT. Page 8. 369. 495. 696. 700. 718. . . .	2, 445, 771
And in loan-office certificates, Page 290. 338 . .	1, 025, 572
Col. Benjamin Flower accountable:	3, 471, 343
And in bills of new emission, Page 1073, 1,280 dol.	
COMMISSARY GENERAL OF PRISONERS. Page 214. 799.	18, 485
And in specie, Page 382, 51,625 dollars. Col. John Beatty accountable.	

[1] This Appendix appears only in the first edition of the Journals, Vol. VI. (Claypoole imprint: See Bibliographical Notes No. 353.) The paging has been altered to correspond with the pages of the present edition.

COMMISSARY GENERAL OF PURCHASES DEPARTMENT. Page 3. 79. 259. 362. 703. Jeremiah Wadsworth, esq; accountable:	11, 090, 333
Page 16. 315. John Lewis Gervais and George Abbot Hall, esquires, accountable:	1, 258, 790
Page 28. 74. 84. 85. 100. 345. 349. 401. 426. 553. 562. 592. 695. 986. 988. 1054. 1079. 1108. 1129. .	19, 715, 895
And in new emission, Page 829. 874. 30,007 dollars. Ephraim Blaine, esq; accountable: . . .	
TOTAL	32, 065, 018
HOSPITAL DEPARTMENT. Page 143. 260. 562. 589. 648. Jonathan Potts, purveyor general, &c. accountable:	376, 900
Page 330. Isaac Foster, deputy director general hospitals, eastern department, accountable: .	40, 000
Page 1128	15, 000
And Page 1024, in new emission, 4,276 dollars. Thomas Bond, jun. purveyor general, &c. accountable.	
TOTAL	431, 900
PAYMASTER GENERAL DEPARTMENT. Page 16. 53. 214. 245. 290. 324. 370. 378. 392. 419. 422. 425. with 562. 491. 502. 605. 639. 644. 815. 922. 1038. William Palfrey, esq; paymaster general, accountable:	6, 703, 155
Page 12. 16. 225. 258. 947. Joseph Clay, esq: deputy paymaster general, accountable: . . .	4, 236, 266
Page 403, John Lewis Gervais, esq: deputy paymaster general in southern department, accountable:	26, 123
Page 53. 155	1, 500, 000
And Page 1129, in specie 264 Dollars. John Pierce, esq; deputy paymaster general, accountable. .	
TOTAL	12, 465, 544

POST-MASTER GENERAL DEPARTMENT. Page 245. 425. 862. 893	163, 800
And in new emission, Page 862, 3,000 dollars. Richard Bache, esq; accountable.	
QUARTERMASTER GENERAL DEPARTMENT. Page 4. 9. 20. 40. 55. 74. 101. 136. 189. 190. 214. 258. 260. 289. 343. 362. 376. 384. 385. 397. 422. 474. 496. 525. 532. 552. 576. 614. 615. 644. 649. 653. 665. 736. 756. 794. 799. 832. 1105. General Greene, late quartermaster general, accountable: . .	10, 988, 269
Page 740. 990. 1101	3, 168, 817
Page 990. 1120, in new emission, 87,500 dollars And page 846, in specie bills of exchange 6,506 dollars. Timothy Pickering, esq: quartermaster general, accountable.	
Page 259. Gen Mifflin accountable	9, 100
TOTAL	14, 166. 186

TOTAL in departments,	in old continental bills . . .	71, 438, 990
	in bills of new emission . .	176, 063
	in specie £. 1062:10 ster. and	72, 906

STATES ACCOUNTABLE.

New-Hampshire, Page 101. 223. 271. 371. 378. 402. 1065. 1195.	78, 000
Massachusetts-Bay, Page 53. 65. 143. 154. 230. 254. 272. 331. 341. 385. 437. 474.	73, 600
Rhode-Island, Page 3. 255. 314. 359. 424. 678. . . .	38, 000
Connecticut, Page 136. 208. 343. 378. 525. 582. 614. 735. 796. 869	58, 000
New-York, Page 161. 208. 275. 370. 402. 552. 574. 965. 993	111, 000
New-Jersey, Page 71.	2, 000
Pennsylvania, Page 79. 136. 678. 815.	25, 000
And Page 590 £. 1,000 sterl.	
Delaware.	0, 000
Maryland, Page 84. 231. 280. 397. 678. 1079. 1092. . .	114, 000
Virginia, Page 8. 189. 343.	153, 000

North-Carolina, Page 12. 20. 71. 110. 143. 208. 245. 280. 359. 430. 446. 508. 666. 731. 874. 948.	169, 250
South-Carolina, Page 8. 208. 343. 614. 690. 841. 923. 965. 1055. 1086.	181, 000
Georgia, Page 161. 478. 678. 697. 820. 839. 965. 991. 1002. 1113. 1143.	469, 289
TOTAL to STATES, £. 1.000 sterl. and	1, 472, 139
William Henry, esq; for purchasing cloathing, Page 97	100, 000
To form a military chest in southern department, Page 510	200, 000
To baron Steuben, for mustering department, Page 364	102, 000
To general Greene, for exigencies, Page 987	120, 000
To mess. Mayberry and Morgan, on contract for military stores, Page 319	117, 261
To Mr. Richard Westcott, to pay for saving part of cargo of the ship Henry, Page 53	28, 000
TOTAL,	667, 261
To Individuals, in payment of debts, salaries, &c. &c not contained in the above	2, 090, 410

To Individuals, in bills of the new emission, Page 797 902. 991. 1006. 1067. 1144. 1153. 16,442 dollars.

To Individuals, in specie, Page 321. 365. 376. 431. 700. 797. 989. 1108. 1129. 15,349 dollars.

And Page 701. 1086. 54,624 livres.

And Page 237 250 louis d'ors.

TOTAL OF EXPENDITURES.

In old continental bills	75, 668, 800 dollars.
In bills of the new emission	192, 505 do.
In specie	88, 255 do. £.2, 062:10 sterl. 54, 624 livres. 250 louis d'ors

ERRORS EXCEPTED.

N. B. In the above, no notice is taken of 1,640,000 dollars of old continental bills, to Michael Hillegas, treasurer of the United States, in pages 392. 436. 528, as that appears to have been to enable him to answer orders drawn on him.

STANDING COMMITTEES

STANDING COMMITTEES[1]

Admiralty, Board of

22 March,	1780.	James Madison
6 June,	1780.	Whitmill Hill
		Benjamin Huntington
26 June,	1780.	William Ellery
7 November,	1780.	John Hanson
		William Sharpe

Appeals

5 January,	1780.	Oliver Ellsworth in place of Paca

Commerce

13 June,	1780.	Edward Telfair.
		Timothy Matlack
28 November,	1780.	George Clymer
		Thomas Bee
		Jesse Root

Medical.

4 May,	1780.	James Henry
7 July,	1780.	Abraham Clark in place of Henry
9 September,	1780.	Theodorick Bland in place of Holten
23 October,	1780.	Isaac Motte

Post Office

23 June,	1780.	John Walker in place of Griffin
1 August,	1780.	Jared Ingersoll in place of Holten
31 October,	1780.	John Henry in place of Sherman
		Abraham Clark in place of Walker
18 December,	1780.	William Floyd
		John Witherspoon

[1] See pages 1445–1447 of Vol. XV. I now give such appointments only as were made in 1780.

South Carolina and Georgia [*Southern Department*]

16 June,	1780.	Allen Jones in place of Burke

Treasury

1 March,	1780.	Thomas Burke in place of Floyd
28 April,	1780.	William Denning
9 May,	1780.	James Duane in place of Houston
10 May,	1780.	James Henry in place of Duane
23 June,	1780.	Roger Sherman in place of Burke
7 July,	1780.	Edward Telfair in place of Henry
20 November,	1780.	William Churchill Houston Isaac Motte
4 December,	1780.	Oliver Wolcott, in place of Houston

War, Board of

6 April,	1780.	John Morin Scott John Mathews
23 June,	1780.	Artemas Ward in place of Mathews
21 November,	1780.	Ezekiel Cornell
29 December,	1780.	John Mathews in place of Cornell

BIBLIOGRAPHICAL NOTES

BIBLIOGRAPHICAL NOTES.

February 25.

Resolution on State Quotas.

328. In Congress, February 25, 1780. 4°. pp. 4.

A resolution fixing the quotas of supplies from the states for the ensuing campaign.

March 18.

Public Credit.

329. Reprinted Hartford, with act of General Assembly. 4°. pp. 2.

A copy is in the Massachusetts Historical Society.

May 2.

Instruction for Privateers.

330. In Congress, / May 2, 1780. / Instructions / to the / Captains and Commanders / Of Private Armed Vessels, / Which shall have Commissions, or Letters of / Marque and Reprisal. F°. 1 1.

A copy is in the *Papers of the Continental Congress*, No. 37, folio 511.

331. In Congress, / May 2, 1780. / Instructions / to the / Captains and Commanders / of Private Armed Vessels / Which shall have Commissions or Letters / of Marque and Reprisal. F°. 1 1.

A copy is in the Library of Congress. It differs from 330 in type, but not in text, except that the following note is added, referring to a part of the first paragraph: "This exception is taken away by an ordinance of Congress, of March the 27th, 1781, which see."

June 28.

On Loans.

332. In Congress. / June 28, 1780. F°. Broadside.

A copy is in the Library of Congress. It measures 34 x 21 cm.

July 15.

Plan of Quarter Master's Department.

333. Plan / for Conducting / The Quartermaster General's Department, / Agreed to In Congress, / July 15th, 1780. / Philadelphia: / Printed by David C. Claypoole, / Printer to the Honourable the Congress. / M,DCC,LXXX. 8°. pp. 16.

August 26.

Resolutions on the Currency.

334. Extract from the Journal of Congress. / August 26, 1780. F°. 1 1.

A copy is in the *Papers of the Continental Congress*, No. 136, V, folio 21.

September 1.

Proclamation.

335. By the United States in Congress / Assembled, / A Proclamation. / . . . . . / Done in Congress, this First Day of September, in the Year of our Lord One / Thousand Seven Hundred and Eighty. F°. Broadside.

September 25.

Plan of Inspecting Department.

336. Plan / For / Conducting / the / Inspector's Department of the / United States. / Philadelphia: / Printed by David C. Claypoole, / Printer to the Honourable the Congress. 8°. pp. 8.

A copy is in the Washington Papers, *Letters to Washington*, 43, folio 47.

September 30.

Plan of Hospital Department.

337. Plan / for / Conducting / the / Hospital Department of the / United States / Philadelphia: / Printed by David C. Claypoole, / Printer to the Honourable the Congress. 8°. pp. 8.

A copy is in the Library of Congress.

October 3.

Reorganization of the army.

338. In Congress, / October 3d.

[Includes, also, resolves of October 21]

A copy is in the Massachusetts Historical Society.

October 30.

Resolutions on Southern Army.

339. In Congress. / October 30, 1780. / . . . . . / Philadelphia, Printed by David C. Claypoole, Printer to the Honourable the Congress. F°. Broadside.

Prize Numbers in Lottery.

340. A / List / of the / Fortunate Numbers / in the Third Class / of the / United States Lottery. / Philadelphia: / Printed by Hall and Sellers, at the / New Printing-Office, opposite the Jersey Market. / M.DCC.LXXX. / 8°. Title, 1 1. pp. 57.

Table of Interest.

341. Table / for the / Payment / of the / Second Years Interest/ due on / All Sums loaned to the United States / between the 28th of February, 1778, / and / The 28th of February 1780. / Philadelphia: / Printed by David C. Claypoole, Printer to the Honorable the Congress. 8°. pp. 18.

Table of Loan Office Certificates.

342. Table / for / The Payment / of / Principal and Interest of / Loans, / agreeable to / The Resolutions / of / Congress, / of / The twenty-eighth day of June, / 1780. / Philadelphia: / Printed by David C. Claypoole, / Printer to the Honourable the Congress. / M,DCC,LXXX. 8°. pp. 23.

343. Table / for the / Payment / of / Principal and Interest of / Loans, / Agreeable to the / Resolutions / of / Congress, / of the / Twenty-eighth day of June, 1780. / Philadelphia: / Printed by Robert Aitken, three Doors above the Coffee / House, in Market-street. / M.DCC.LXXXIII. 8°. pp. 24.

A copy is in the Library of Congress, *Hazard Pamphlets*, Vol. 42, No. 20.

344. Tables / for / The Payment / of / Principle [sic] and Interest / of / Loans, / agreeable to / The Resolutions / of / Congress / of / The twenty-eighth day of June, / 1780. / Philadelphia: / Printed and Sold by T. Bradford / in Front Street, the fourth door from / the Coffee-House. 1783. 18mo. pp. 36.

Court Martial on Arnold.

345. Proceedings / of a / General Court Martial / of the Line, / Held at Raritan, / in the State of / New-Jersey, / By Order of his Excellency / George Washington, Esq. / General and Commander in Chief / Of the Army of / The United States of America, / For the Trial of / Major General Arnold / June 1, 1779. / Major General Howe, President. / Published by Order of Congress. / Philadelphia: / Printed by Francis Bailey, in Market-Street. / M.DCC.LXXX. F°. pp. 55.

A copy is in the Library of Congress.

346. Proceedings / of a / General Court Martial / for the Trial of / Major General Arnold. / With an / Introduction, Notes, and Index. / New York: / Privately Printed, / 1865. 8°. pp. XXIX, (2) 182, portrait.

135 copies reprinted.

347. Proceedings / of a / Board / of / General Officers, / Held by Order of / His Excellency Gen. Washington, / Commander in Chief of the Army of the United States / of America. / Respecting / Major John André, / Adjutant General of the British Army. / September 29, 1780 / Philadelphia: / Printed by Francis Bailey, in Market-Street. / M.DCC.LXXX. 8°. pp. (2) 21.

A copy is in the Library of Congress, *Colonial Pamphlets*, Vol. 18, No. 5.

348. Proceedings / of a / Board / of / General Officers, / Held by Order of / His Excellency Gen. Washington, / Commander in Chief of the Army of the United / States of America. / Respecting / Major John Andre, / Adjutant General of the British Army. / September 29, 1780. / To which are Appended, The several Letters which / passed to and from New-York on the Occasion, &c. / Philadelphia, printed / Hartford: / Re-printed by B. Webster. / M,DCC,LXXX. Sm. 8°. pp. (2) 32.

349. Proceedings / of a / Board of General Officers, / Held by Order of / His Excellency Gen. Washington, / Commander in Chief of the Army of the United States of America, / Respecting / Major John André, / Adjutant General of the British Army. / September 29, 1780. / To which are appended, / The several Letters which passed to and from New-York on the Occasion. / Published by Order of Congress. / Providence, / Printed and Sold by John Carter. 8°. pp.16.

350. Proceedings / of a / Board / of / General Officers, / held by order of / His Excellency General Washington, / Commander in Chief of the Army of the United States of America. / Respecting / Major John Andre, / Adjutant General of the British Army. / September 29, 1780. / Philadelphia Printed—New-York Re-printed / by James Rivington, opposite the Coffee-House Bridge. 4°. pp. 13.

351. Minutes / of a / Court of Inquiry, / upon the case of / Major John André, / with / accompanying documents, / published in 1780 by order of Congress. / With / An Additional Appendix / containing copies of the papers found upon / Major Andre when arrested, and other / documents relating to the subject. / Albany: / J. Munsell, 78 State Street. / 1865. Sm. 4°. pp. IV, 66, portrait.

100 copies printed, with an introduction by F. B. Hough.

352. Proceedings / of a / Board of General Officers / respecting / Major John André / New York / Privately Printed / 1867. / 8°. pp. (6), 21.

49 copies printed by F. S. Hoffman in "literal facsimile of the original edition, as nearly as modern old style will permit."

Journals.

353. Journals / of / Congress, / from / January 1st, 1780, / to / January 1st, 1781. / Published by Order of Congress. / Philadelphia: / Printed by David C. Claypoole, / Printer to the Honorable the Congress. 8°.

This edition of the Journal was issued in monthly parts, in continuation of Nos. 286–327. Like those, it contains much matter omitted in later editions. The Library of Congress has all the monthly issues for 1780, except February. The captions and collation of the parts are as follows:

Journals of Congress, / For January, 1780. / pp. 38, 2 blank pp.
Journals of Congress, / For February, 1780. / pp. (41)–73, 1 blank p.
Journals of Congress, / For March, 1780. / pp. (75)–106.
Journals of Congress, / For April, 1780. / pp. (106)–131.
Journals of Congress, / For May, 1780. / pp. (132)–162, 1 blank p.
Journals of Congress, / For June, 1780. / pp. (164)–198, 1 blank p.
Journals of Congress, / For July, 1780. / pp. (199)–237, 1 blank p.
Journals of Congress, / For August, 1780. / pp. (239)–274.
Journals of Congress, / For September, 1780. / pp. (275)–314.
Journals of Congress, / For October, 1780. / pp. (315)–349, 1 blank p.
Journals of Congress, / For November, 1780. / pp. (351)–384, 2 blank pp.
Journals of Congress, / For December, 1780. / pp. (385)–403, 3 blank pp.
General Index / To Volume VI* / pp. (i)–xxxviii.
Appendix. / Expenditures. / pp. (3).

"N. B. The numbers 106, 392, 393 are each found twice at the head of a page."—*Journals.*

354. Resolutions, / Acts and Orders / of / Congress, / For the Year 1780. / Volume VI. / Published by Order of Congress. / Printed by John Dunlap. 8°. pp. 257, xliii.

This is only an abridgment of No. 353, but is usually bound with sets of the Journal, as the volume for 1780. It was probably printed in 1787, in pursuance of the resolution of September 13, 1786.

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